

THE WORLD COURT PROPOSAL



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THIS MONTH

AMERICA'S PLACE IN WORLD AFFAIRS

PAST AND PRESENT INTERNATIONAL ARBITRATIONS

THE PERMANENT COURT OF INTERNATIONAL JUSTICE
WHAT IT IS AND WHAT IT DOES

PRESIDENT HARDING'S PROPOSAL TO JOIN WORLD COURT
DISCUSSED PRO AND CON

By CABINET MEMBERS

By SENATORS

By INTERNATIONAL AUTHORITIES

By POLITICAL LEADERS

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AND

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THE CONGRESSIONAL DIGEST

Vol. II

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No. 8

America's Place in World Affairs America's International Arbitrations of the Past

Extracts from "American Diplomacy" by John Bassett Moore

With Great Britain

1794.—The Government of the United States had been in existence only five years, when it found occasion to employ arbitration for the settlement of serious differences with the mother-country. Important provisions of the treaty of peace remained unexecuted. The uncertainty as to the boundary was embarrassing, while the controversy as to the surrender of the posts and the recovery of debts formed a prolific source of irritation. A still more acute cause of quarrel arose when, in 1793, the governments of France and Great Britain began to fulminate and enforce measures invasive of the rights of neutral trade. The situation became so tense that, apparently as the only alternative to measures of force, Washington decided to send a special mission to England. John Jay, who was chosen for that delicate task, submitted his first formal representations to Lord Grenville on July 30, 1794. In the treaty concluded on the 19th of the following November, provision was made for three arbitrations. The first of these related to the boundary question; the second, to the claims on account of confiscated debts; the third, to the subject of neutral rights and duties.

The boundary question was referred to a mixed commission of three persons, which rendered its award on October 25, 1798.

The claims of British subjects, on account of the impediments which they had encountered in their efforts to collect in the State courts their confiscated debts, were referred to a mixed commission of five persons, which met in May, 1797. The proceedings of this body were inharmonious, and its sittings were suspended on July 31, 1798, by the withdrawal of the two American members.

The claims which the commission failed to adjust were settled by a treaty concluded January 8, 1802, under which the British government accepted the sum of £600,000 in satisfaction of its demands.

But the most important, as well as the most interesting, of the arbitral tribunals under the Jay treaty, was that which sat at London for the purpose of disposing of American claims against Great Britain on account of captures made under the orders in council, and of British claims against the United States on account of the latter's failure completely to enforce its neutrality.

The treaty provided that in case the four commissioners, two of whom were to be appointed by each government, could not agree upon the fifth, he should be chosen by lot.

Each side selected its name from the list of four made out by the other with a view to a mutual agreement, and the result was that a well-disposed man became the fifth commissioner.

The sessions of the board were brought to a close on February 24, 1804, all the business before it having been finished.

It was estimated that, through the operation of the stipulation under which the commissioners sat, American claimants recovered from the British government the enormous sum of \$11,650,000. The aggregate of the awards against the United States appears to have been \$143,428.14; but although this amount was relatively small, its payment established the principle that a government is liable in damages for neglect to perform its neutral duties, and thus laid the foundation of the award made in 1872 at Geneva.

1814.—Like the Jay treaty, the Treaty of Ghent, which restored peace between the two countries, provided for three arbitrations. The first related to the ownership of certain islands in Passamaquoddy Bay and the Bay of Fundy; the second, to the ascertainment of the boundary of the United States from the source of the river St. Croix to the river St. Lawrence; the third, to the determination of the boundary along the middle of the Great Lakes and of their water communications to the most northwestern point of the Lake of the Woods.

1818.—In 1818, a difference as to the performance by Great Britain of her obligation under the treaty of Ghent, not to carry away from United States territory then in her possession "any slaves or other private property," was referred to the Emperor of Russia. He rendered a decision in favor of the United States, and in 1822 a mixed commission was erected in order to fix the amount to be paid.

1827.—In 1827 a dispute as to the northeastern boundary was referred to the King of the Netherlands; but as his award was recommendatory rather than decisive, both governments agreed to waive it, and the question was settled by the Webster-Ashburton treaty.

1853.—In 1853 a convention was entered into for the settlement by means of a mixed commission of all outstanding claims. The commission sat in London, and disposed of many important controversies, including the celebrated case of the *Creole*, which so nearly caused a rupture of relations in 1842.

1854.—By the reciprocity treaty of 1854, by which the troubles as to the northeastern fisheries were temporarily al-

layed, arbitration was employed for the purpose of determining what fisheries were exclusively reserved to the inhabitants of the two countries under the agreement.

1863.—In 1863 another arbitral board was erected for the purpose of deciding upon the claims of the Hudson's Bay Company and the Puget's Sound Agricultural Company against the United States for damages to their property and rights in connection with the treaty of 1846, by which the limits between the United States and the British possessions west of the Rocky Mountains were established.

1871.—This treaty provided for four distinct arbitrations, the largest number ever established under a single convention, and, by reason of this fact as well as of the magnitude of the questions submitted, was undoubtedly the greatest treaty of arbitration that the world had ever seen.

Of the four arbitrations for which it provided, the first in order and in importance was that at Geneva. Its first session was held December 15, 1871; its last, September 14, 1872. The demands presented by the United States were those arising out of the acts of Confederate cruisers of British origin, generically known as the *Alabama* claims.

The dispute as to the San Juan water boundary was submitted to the German Emperor, who rendered, on October 21, 1872, an award in favor of the United States.

Claims of British subjects against the United States, and of citizens of the United States against Great Britain (other than the *Alabama* claims), arising out of injuries to persons or property during the civil war in the United States, from April 17, 1861, to April 9, 1865, were referred to a mixed commission, which sat in the United States.

The fourth arbitration under the treaty of Washington, to determine the compensation, if any, due to Great Britain for privileges accorded by the treaty to the United States in the northeastern fisheries, was conducted by a commission of three persons which met at Halifax, June 15, 1877, and on the 23d of the following November awarded to Great Britain (the American commissioner dissenting) the sum of \$5,500,000.

1892.—Questions of great moment, as affecting the free use of the seas, were involved in the fur-seal arbitration, which was held in Paris under the treaty of February 29, 1892; and eminent men were chosen to discuss and decide them. The commission, under powers expressly conferred upon it, prescribed regulations for the protection of the fur-seals by joint action. The claims of British subjects for the previous seizure of their vessels by American cruisers in Behring Sea were afterwards adjusted by a mixed commission.

1903.—The proceedings of 1903, by which the Alaskan boundary dispute was settled, can scarcely be classed as an arbitration, since the tribunal, which contained an equal number of the citizens or subjects of each contracting party, was unable to render a decision unless an appointee of one gov-

ernment should give his decision in favor of the other. This proved in the particular instance to be possible, one of the British members joining in a decision favorable to the United States.

With Spain

1795-1898.—Down to 1898, when the controversy as to Cuba was at length settled by the sword, all differences between the United States and Spain, which could not be adjusted by diplomacy, were, beginning with the mixed commission under the Pinckney-Godoy treaty of 1795, settled by arbitration. The most important of the arbitral tribunals between the two countries was that which was established under the diplomatic agreement of February 11-12, 1871, touching claims growing out of the insurrection in Cuba. There were two other arbitrations between the two countries, held respectively in 1870 and 1880.

With France

As between the United States and France, many important questions, including large pecuniary claims, have been settled by direct negotiation. But from November, 1880, to March, 1884, a mixed commission, sitting in Washington, disposed of the claims of citizens of France against the United States for injuries to their persons and property during the American civil war, and of the claims of citizens of the United States against France for injuries during the war between that country and Germany.

With Mexico

On various occasions, as under the treaties of 1839 and 1868, arbitrations have been held between the United States and Mexico. The claims submitted under the treaty of 1868 were remarkable, both in number and in amount, those presented by the United States aggregating one thousand and seventeen, and those by Mexico nine hundred and ninety-eight, while the total amount claimed on one side and the other exceeded half a billion dollars.

With Other Countries

Arbitrations have also been held by the United States with Colombia, Costa Rica, Denmark, Ecuador, Haiti, Nicaragua, Paraguay, Peru, Portugal, Salvador, Santo Domingo, Siam, and Venezuela. The total number of the arbitrations of the United States down to 1900 was fifty-seven, twenty of which were with Great Britain, while the President of the United States had acted as arbitrator between other nations in five cases, and ministers of the United States, or persons designated by the United States, had acted as arbitrator or umpire in seven cases. The number of the arbitrations of the United States during that period was equalled only by those of Great Britain, the total of which appears to have been the same.

Summary of Arbitrations and Diplomatic Settlements of the United States

(From Carnegie Endowment for International Peace. Division of International Law. Pamphlet No. 1, 1914.)

WITH 24 COUNTRIES	AWARDS OR SETTLEMENTS			TOTAL AWARDS	
	In favor of U. S.	Against U. S.	Favoring all parties	In favor of U. S.	Against U. S.
Totals	52	14	17	\$69,501,682.33	\$23,353,762.44

Grand Total of Awards

\$92,855,444.77

In favor of the United States

\$69,501,682.33 = 74.8 per cent.

Against the United States

\$23,353,762.44 = 25.2 per cent.

America's International Arbitrations of Today

Extracts from "A Short Account of the Department of State of the United States." Prepared by the State Department, 1922.

TO conduct the foreign affairs of the United States in times of war is a rare duty of the Department of State; to preserve friendly relations with all the world is its daily function. When differences arise between the United States and foreign governments they are settled usually by friendly, frank discussions carried on through the ordinary channels of diplomacy. If this method does not succeed, then formal conferences are held, and if these fail, then arbitration is invoked. War is the last resort.

From the commission formed in 1797 of British and American members for the purpose of arbitrating the question of a part of the boundary line between the United States and Canada, up to 1899, when a permanent court of arbitration was provided for by the international conference held at The Hague, the Government of the United States had resorted to arbitration to settle disputes with other countries more than forty times. In 1908 and 1909, 25 treaties with foreign nations, providing for the arbitration of difficulties which might arise, were signed, 22 of which were ratified and proclaimed as the law of the land. In 1914, 30 treaties were signed for the advancement of peace, 21 being ratified and proclaimed, and these treaties provide for joint commissions to make reports on differences, and in effect are arbitration treaties.

Of a kindred nature is the participation in those international conferences which take place at intervals between the delegates of foreign governments and delegates of the United States. A notable result of certain of these conferences is the Pan American Union, which, although it is not a part of the Department of State, is closely affiliated with it. In 1825 the President of the United States, John Quincy Adams, approved the project of holding a congress of independent American States to be held at Panama. One of the objects of the meeting, it was stated at the time, was to promote peace and union among the States of this hemisphere. The Panama Congress did not fulfill this hope; but it furnished a precedent for calling future international American conferences, and afterwards several were held. Finally, in 1889, the delegates of the countries of Central and South America and of the United States assembled in Washington with the Secretary of State as the presiding officer, to consider questions of mutual interest—among others the adoption of a definite plan of arbitration of all questions, disputes, and differences between the nations represented at the con-

ference. This was known as the First International American Conference. A second was held in 1902 at the City of Mexico; a third at Rio de Janeiro in 1907; and a fourth at Buenos Aires in 1910. The first conference established the International Bureau of the American Republics at Washington. It was organized in 1890, reorganized in 1907, and at the fourth conference the name was changed to the Pan American Union. The general control of this bureau is vested in a governing board of the diplomatic representatives in Washington of all the Latin American governments and the Secretary of State, who is *ex-officio* chairman of the board.

Similar in purpose to the Pan American Conferences were the International Conferences held at The Hague in 1899 and 1907, in which delegates of the United States, acting under the instructions of the Secretary of State, took part. These meetings were commonly called "peace conferences," for their object was to advance the cause of international peace. They drew up 13 international conventions and three international declarations. One avowed object of the first conference was to limit the armament of the various countries which had sent delegates to the conference, but to this part of the program several of the Governments represented were unwilling to agree. Both conferences, however, adopted conventions providing for the pacific settlement of international disputes and for "a Judicial Arbitration Court."

After the World War was terminated the Secretary of State, under date of August 11, 1921, sent the invitation of the President to the Governments of Great Britain, France, Italy, and Japan to attend an International Conference on the Limitation of Armament, to which subject was added in the scope of the discussions Pacific and Far Eastern problems. The invitation was extended also to China and then to Belgium, the Netherlands, and Portugal, in view of the interest of those powers in the Far East. The conference met at Washington November 12, 1921, and was presided over from the opening to the close by the Secretary of State. The conference lasted for three months, from November 12, 1921, to February 6, 1922. On February 9 the Secretary of State transmitted to the President the proceedings of the conference, including the six treaties* to which it had agreed, and these were laid before the Senate by the President on February 10.

* Later ratified by the Senate.

Special International Commissions to which the United States is a Party

THE following is a list of some of the special international commissions formed to settle particular disputes. Some of these are permanent in character.

The International Joint Commission (American and Canadian) has jurisdiction over all cases involving the use, obstruction or diversion of waters forming the boundary between the United States and Canada.

International Boundary Commission, United States and Canada, created to define and mark the boundary between United States and Canada.

International Boundary Commission, United States and

Mexico, created to define and mark the boundary between United States and Mexico.

Pecuniary Claims Arbitration Commission, United States and Great Britain, created to settle disputed claims pending between the two countries.

Mixed Claims Commission, United States and Germany, created for the purpose of ascertaining and settling claims arising out of the World War.

In addition to these commissions there is the Bureau of International Parliamentary Union, which was formed to promote international arbitration. The United States has appointed representatives to this union.

Arbitration Conventions for the Advancement of Peace to which the United States is a Party. (See page 255)

ARTICLE 2, SECTION 2, PARAGRAPH 2 OF THE CONSTITUTION OF THE UNITED STATES provides that the President "Shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur." The United States House of Representatives takes no part in the making of treaties and will not, therefore, be called upon to vote on the President's proposal that the United States should join the Permanent Court of International Justice.—Editor's Note.

President Harding Presents World Court Proposal to Senate

On February 24, 1923, the President sent the following message to the Senate asking the Senate's consent to the adherence of the United States to the Permanent Court of International Justice. The message was accompanied by a letter from Secretary of State Hughes setting forth the details of the Court and its relation to the League of Nations, and recommending four reservations under which the United States might support the Court.

Read in the Senate February 24, 1923, and referred to the Committee on Foreign Relations. Printed as Senate Document No. 309. 67th Congress, 4th Session.

THERE has been established at The Hague a Permanent Court of International Justice for the trial and decision of international causes by judicial methods, now effective through the ratification by the signatory powers of a special protocol. It is organized and functioning. The United States is a competent suitor in the Court, through provision of the statute creating it, but that relation is not sufficient for a Nation long committed to the peaceful settlement of international controversies. Indeed, our Nation had a conspicuous place in the advocacy of such an agency of peace and international adjustment, and our deliberate public opinion of today is overwhelmingly in favor of our full participation, and the attending obligations of maintenance and the furtherance of its prestige. It is for this reason that I am now asking for the consent of the Senate to our adhesion to the protocol.

With this request I am sending to the Senate a copy of the letter addressed to me by the Secretary of State, in which he presents in detail the history of the establishment of the Court, takes note of the objection to our adherence because of the Court's organization under the auspices of the League of Nations, and its relation thereto, and indicates how, with certain reservations, we may fully adhere and participate, and remain wholly free from any legal relation to the League or assumption of obligation under the covenant of the League.

I forbear repeating the presentation made by the Secretary of State, but there is one phase of the matter not covered in

his letter with which I choose frankly to acquaint the Senate. For a long period, indeed, ever since the International Conference on the Limitation of Armament, the consideration of plans under which we might adhere to the protocol has been under way. We were unwilling to adhere unless we could participate in the selection of judges; we could not hope to participate with an American accord if adherence involved any legal relation to the League. These conditions, there is good reason to believe, will be acceptable to the signatory powers, though nothing definitely can be done until the United States tenders adhesion with these reservations. Manifestly the Executive can not make this tender until the Senate has spoken its approval. Therefore, I most earnestly urge your favorable advice and consent. I would rejoice if some action could be taken, even in the short period which remains of the present session.

It is not a new problem in international relationship, it is wholly a question of accepting an established institution of high character, and making effective all the fine things which have been said by us in favor of such an agency of advanced civilization. It would be well worth the while of the Senate to make such special effort as is becoming to record its approval. Such action would add to our own consciousness of participation in the fortunate advancement of international relationship, and remind the world anew that we are ready for our proper part in furthering peace and adding to stability in world affairs.

The Four Reservations Recommended by Secretary Hughes

(Extracts from Secretary of State's letter to the President transmitted to the Senate in the President's message.)

IN considering the question of participation of the United States in the support of the permanent Court, it may be observed that the United States is already a competent suitor in the Court. The statute expressly provides that the Court shall be open not only to members of the League but to States mentioned in the annex to the covenant.

I find no insuperable obstacle in the fact that the United States is not a member of the League of Nations. The statute of the Court has various procedural provisions relating to the League. But none of these provisions save those for the election of judges, to which I shall presently refer, are of a character which would create any difficulty in the support of the Court by the United States despite its non-membership in the League. None of these provisions impair the independence of the Court. It is an establishment separate from the League, having a distinct legal status resting upon the protocol and statute. It is organized and acts in accordance with judicial standards, and its decisions are not controlled or subject to review by the League of Nations.

Accordingly I beg leave to recommend that, if this course meets with your approval, you request the Senate to take suitable action advising and consenting to the adhesion on the part of the United States to the protocol of December 16, 1920, accepting the adjoined statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction; provided, however, that such adhesion

shall be upon the following conditions and understandings to be made a part of the instrument of adhesion:

I. That such adhesion shall not be taken to involve any legal relation on the part of the United States to the League of Nations or the assumption of any obligations by the United States under the covenant of the League of Nations constituting Part I of the treaty of Versailles.

II. That the United States shall be permitted to participate through representatives designated for the purpose and upon an equality with the other States members, respectively, of the council and assembly of the League of Nations in any and all proceedings of either the council or the assembly for the election of judges or deputy judges of the Permanent Court of International Justice, or for the filling of vacancies.

III. That the United States will pay a fair share of the expenses of the Court as determined and appropriated from time to time by the Congress of the United States.

IV. That the statute for the Permanent Court of International Justice adjoined to the protocol shall not be amended without the consent of the United States.

If the Senate gives its assent upon this basis, steps can then be taken for the adhesion of the United States to the protocol in the manner authorized. The attitude of this Government will thus be defined and communicated to the other signatory powers whose acquiescence in the stated conditions will be necessary.

Senator King Offers Resolution to Accept World Court Proposal February 26, 1923

ON February 26, 1923, Senator King, Democrat from Utah, introduced in the Senate, with the request that the resolution lie upon the table, S. Res. 454 providing that the Senate approve of the adherence by the United States to the protocol of December 16, 1920, accepting the adjoining statute of the Permanent Court of International Justice with certain exceptions.

On March 3, 1923, Senator King moved the consideration of S. Res. 454, the Senate by a vote of 24 to 49 refused to proceed to the consideration of the resolution. Senator King thereupon introduced a second resolution (S. Res. 471) "perfecting the resolution which I heretofore offered, dealing with the question of an international court," which was ordered to lie upon the table. No further action was taken when Congress adjourned on March 4.

Senate Committee on Foreign Relations Requests Further Information Secretary Hughes Replies

(Extracts from Secretary of State's letter of March 1, 1923, to the President.)

I HAVE received your letter of February twenty-eighth, enclosing a request handed to you by Senator Lodge, Chairman of the Senate Committee on Foreign Relations, for certain information desired by the Committee in order to reach a decision relative to advising and consenting to our adhesion to the Protocol establishing the Permanent Court of International Justice. I beg leave to submit the following statement upon the points raised:

First. The first inquiry is this: "That the President be requested to advise the Committee whether he favors an agreement obligating all powers, or governments, who are signers of the protocol creating the Court, to submit all questions about which there is a dispute and which cannot be settled by diplomatic efforts, relative to: a, The interpretation of treaties; b, Any question of international law; c, The existence of any fact, which, if established, would constitute a breach of an international obligation; d, The nature or extent of reparation to be made for the breach of an international obligation; e, The interpretation of a sentence passed by the Court."

I understand that the question is not intended to elicit your purely personal opinion, but whether you as President, favor the undertaking to negotiate a treaty on the part of the United States with other Powers creating such an obligatory jurisdiction.

So understood, I think that the question must be answered in the negative. This is for the reason that the Senate has so clearly defined its attitude in opposition to such an agreement, that until there is ground for believing that this attitude has been changed, it would be entirely futile for the Executive to negotiate a treaty of the sort described.

I may briefly refer to earlier efforts in this direction.

In the latter part of the Cleveland Administration a very strong public sentiment was expressed in favor of a general arbitration treaty between the United States and Great Britain. In January, 1897, the Olney-Pauncefote Treaty was signed. But despite the safeguards established by the Treaty, the provisions for compulsory arbitration met with disfavor in the Senate and the Treaty failed. (Moore's Int. Law Dig. Vol. VII, pp. 76-78.)

A series of arbitration treaties was concluded in 1904 by Secretary Hay with about twelve States. Warned by the fate of the Olney-Pauncefote Treaty, Secretary Hay limited the provision for obligatory arbitration in these treaties to "Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy."

Notwithstanding the limited scope of these treaties for compulsory arbitration, the Senate amended them so that in every individual case of arbitration a special treaty would

have to be made with the advice and consent of the Senate. In view of this change Secretary Hay announced that the President would not submit the amendment to the other Governments.

It should also be observed that the Hague Conventions of 1899 and 1907, to which the United States is a party, relating to the general arbitration of certain classes of international differences, do not make recourse to the tribunal compulsory.

In 1908, a series of arbitration treaties was negotiated by the United States. These treaties, with limiting provisions, made in deference to the opinion of the Senate as to the permissible scope of such agreements, received the Senate's approval.

In 1911, the Taft Administration submitted to the Senate general arbitration conventions with Great Britain and with France which were of broad scope. Again the Senate conditioned its approval on numerous reservations.

In the amended form the treaties were not acceptable to the Administration and remained unratified.

In the light of this record it would seem to be entirely clear that until the Senate changes its attitude it would be a waste of effort for the President to attempt to negotiate treaties with the other Powers providing for an obligatory jurisdiction of the scope stated in the Committee's first inquiry quoted above.

Second. The second inquiry is as follows: "Secondly, if the President favors such an agreement does he deem it advisable to communicate with the other Powers to ascertain whether they are willing to obligate themselves as aforesaid."

"In other words, are those who are signers of the protocol creating the Court willing to obligate themselves by agreement to submit such questions as aforesaid, or are they to insist that such questions shall only be submitted in case both, or all, parties interested agree to the submission after the controversy arises."

"The purpose being to give the Court obligatory jurisdiction over all purely justiciable questions relating to the interpretation of treaties, questions of international law, to the existence of facts constituting a breach of international obligation, to reparation for the breach of international obligation, to the interpretation of the sentences passed by the Court, to the end that these matters may be finally determined in a court of justice."

What has been said above is believed to be a sufficient answer to this question. It may, however, be added that the statute establishing the Permanent Court of International Justice has a provision (Art. 36) by which compulsory jurisdiction can be accepted, if desired.

I understand that of the forty-six States which have signed the Protocol for the establishment of the Court, fifteen have ratified this optional clause for compulsory jurisdiction, but

among the States which have not as yet assented to the optional clause are to be found, I believe, Great Britain, France, Italy and Japan. The result is that aside from the objections to which I have referred in answering the first inquiry, there is the additional one resulting from the attitude of these powers.

It was for all the reasons above stated that I recommended that you should request the Senate to give its advice and consent to the adhesion on the part of the United States to the Protocol accepting, upon the conditions stated, the adjoined Statute of the Permanent Court of International Justice, but not the optional clause for compulsory jurisdiction.

Third. The next inquiry is: "The Committee would also like to ascertain whether it is the purpose of the Administration to have this country recognize Part XIII (Labor) of the Treaty of Versailles as a binding obligation. See Article 26 of Statute of League establishing the Court."

I submit that the answer should be in the negative.

Part XIII of the Treaty of Versailles relating to Labor is not one of the parts under which rights were reserved to the United States by our treaty with Germany. On the contrary, it was distinctly stated in that treaty that the United States assumes no obligations under Part XIII. It is not now contemplated that the United States should assume any

obligations of that sort. Article 26 of the Statute of the Court, to which the Committee refers in its inquiry, relates to the manner in which Labor cases referred to in Part XIII of the Treaty of Versailles shall be heard and determined. But this provision would in no way involve the United States in Part XIII. The purpose of the Court is to provide a judicial tribunal of the greatest ability and distinction to deal with questions arising under treaties. The fact that the United States gave its adhesion to the protocol and accepted the Statute of the Court, would not make the United States a party to treaties to which it was otherwise not a party, or a participant in disputes in which it would otherwise not be a participant. The functions of the Court, of course, is to determine questions which arise under treaties, although only two of all the Powers concerned in maintaining the Court may be parties to the particular treaty or the particular dispute.

Fourth. Finally the Committee states that "they would also like to be informed as to what reservations, if any, have been made by those countries who have adhered to the protocol."

I am not advised that any other State has made reservations on signing or adhering to the Protocol.—*Extracts from letter to the President March 1, 1923.*

President Harding's First Public Address on World Court Proposal

Extracts from Address before the Associated Press, New York, April 24, 1923.

DURING the closing days of the last Congress I sent to the Senate a communication asking its advice and consent to the adherence by the government of the United States to the protocol establishing the International Court of Justice.

Ours is popular government through the agency of political parties, and it must be assumed that the course of the successful party, which is at the same time an honest party, must be fairly charted by the platform of that party, and by the utterances of its candidates when appealing for popular approval. On that assumption—it is seemly to recall the declarations of the party now in power relative to the promotion of international relationships.

In 1904 the national platform of the Republican party said, "We favor the peaceful settlement of international differences by arbitration." Four years later, in the national convention of 1908, the party in its platform alluded to progress made in keeping faith with the previous declaration.

In 1912 the Republican platform made a very explicit declaration relating to an international court of justice.

The next formal and solemn pledge was made in 1916.

In 1920 the question of our foreign relationship was very acute. The Senate had rejected the Versailles treaty and the League of Nations pact. The convention voiced its approval of the rejection, but was unwilling to pledge aloofness from the world. Therefore it said in its platform pronouncement:

"We pledge the coming Republican administration to such agreements with other nations of the world as shall meet the full duty of America to civilization and humanity, in accordance with American ideals, without surrendering the right of the American people to exercise its judgment and its power in favor of justice and peace."

In compliance with its pledges the new administration, which came into power in March, 1921, definitely and decisively put aside all thought of the United States entering the League of Nations. It doesn't propose to enter now, by the side door, the back door or the cellar door. I have no un-

seemly comment to offer on the League. If it is serving the old world helpfully, more power to it. But it is not for us. The Senate has so declared, the executive has so declared, the people have so declared. Nothing could be more decisively stamped with finality.

In the fulfillment of the pledge of free conference, the International Conference on the Limitation of Armament was called. The spirit of that conference and the achievement wrought have been written into history, and will grow immeasurably beyond the almost universal popular favor already accorded. Now accord and concord abide, where suspicion and fear had previously dwelt; we gave an example to the world of the conference way to peace, which time will appraise as the supreme accomplishment.

Meanwhile an International Court of Justice had been established.

Under the provisions of its establishment the United States can apply for a court decision on any justiciable question, even as any nation participating in its establishment. Perhaps the Court is not all that some advocates of the Court plan would have it, but it is in a large measure the fulfillment of an aspiration we long have boasted. So I thought, and I still think, we ought to be a party to the agreement, assume our part in its maintenance and give to it the benefit such influence as our size and wealth and ideals may prove to be.

Naturally we should wish to participate in selecting the judges, and the electors designated were members of the League. We had no thought of joining the League, we sought none of its offerings and will accept none of its obligations. The situation was felt out, over a considerable period of time, and when satisfied that there was an appropriate course of action without connection with the League, provided the Senate consented, I proposed adherence to the Court protocol, and asked the Senate's consent.

The documents speak for themselves. It was pointed out that no rights under the League and no obligations of the League would be incurred, but to make certain that we would not be involved the letter of the Secretary of State suggested suitable reservations to afford ample guaranty.

Excessive friends of the League have beclouded the situation by their unwarranted assumption that it is a move toward League-membership. Let them disabuse their minds, because there is no such thought among us who must make our commitments abroad. And the situation is likewise beclouded by those who shudder excessively when the League is mentioned, and who assume entanglement is unavoidable. Any entanglement would first require assent of the Senate, which is scarcely to be apprehended, and if by any chance the Senate approved of any entanglement the present administration would not complete the ratification.

There is one political bugbear. With her dominions members of the League assembly, the British empire will have six votes in that branch of the Court electorate, but it has only one in the electorate of the council. In view of the fact that

no nation can have more than one judge, it is a less formidable objection than when applied to the League as a superpower, dealing with problems likely to abridge a member's national right. I do not hesitate to say that if other great powers can accept without fear the voting strength of the British dominions, when they are without ties of race to minimize international rivalries and suspicions, we ought, in view of the natural ties of English-speaking kinship, feel ourselves free from danger.

The perfected Court must be a matter of development. I earnestly commend it because it is a great step in the right direction toward the peaceful settlement of justiciable questions, toward the elimination of frictions which lead to war, and a surer agency of international justice through application of law than can be hoped for in arbitration, influenced by the prejudices of men and the expediency of politics.

Senator Lodge Makes Initial Statement on World Court Proposal

Senator Lodge is chairman of the Senate Committee on Foreign Relations where the President's proposal will be considered before final action is taken by the Senate.

Text of letter of April 28, 1923, from Senator Lodge to Governor Hyde of Missouri

I HAVE received your telegram in which you say, 500,000 Missouri Republicans are looking hopefully to you to prevent the disaster to nation and party of any membership in the league court. May we not depend upon you to serve us in the present crisis?

It has always been the policy of the United States, and very emphatically the policy of the Republican party, to promote in every way possible the settlement of international differences by arbitration and through the medium of arbitral tribunals. We have advocated in the past the establishment of a permanent court of arbitration. If it had been proposed to establish a permanent International Court for the settlement of international disputes, selected, as is proposed in the League Court, from the panel created by groups under the terms of The Hague convention; if it had been proposed to make the judges thus selected permanent and to be appointed by the nations severally and independently and not by a majority of the council and assembly of the League, and with long terms and sufficient salaries, in my judgment, such a Court would have received practically universal approval not only in the Senate of the United States but by the people of the United States.

In his speech in New York on Tuesday, April 24, the President said: "I have no unseemly comment to offer on the League. If it is serving the old world helpfully, more power to it. But it is not for us. The Senate has so declared, the executive has so declared, the people have so declared. Nothing could be more decisively stamped with finality." With this strong and complete statement, I believe that the great mass of the American people are in full accord. I certainly am. Nothing would ever have induced me to have voted for the covenant of the League of Nations which Mr. Wilson laid before the Senate on July 10, 1919. But I voted twice in favor of the treaty with the reservations adopted by the Senate. As I have watched during the past three years the performances and futilities of the League of Nations I have become convinced that it was fortunate that the Senate rejected it and that it is best for the world, for the cause of world peace and for the American people that the United States should not under any circumstances become a member of the League.

In the plan now before us the Permanent Court of International Justice is not to be formed by the nations independently, but is to be the court already elected by the council and assembly of the League of Nations, and this fact, as is

already obvious, will lead to much discussion, and it will have to be decided whether the Senate will assent to accepting the Court as proposed and chosen by the League.

The Secretary of State, in his letter accompanying the President's message recommending our participation in the Court, proposed certain conditions to be appended to the resolution to be passed by the Senate in giving their advice and consent to the signature of the protocol or statute creating the International Court. These conditions must include a declaration of the refusal of the United States to join the League of Nations and, second, a declaration that the United States shall have an equality of representation both in the council and in the assembly in voting for the election of the judge of the Court. These two suggestions of the Secretary of State are vitally important.

It will be the duty of the Senate, therefore, to frame conditions under the first two suggestions of the Secretary of State and it also may be assumed that the Senate may very possibly originate and propose other conditions. What the attitude of the Senate will be upon the question of joining a court elected by the council and assembly of the League of Nations or upon certain specified conditions or reservations is at present necessarily unknown—that is, the decision of the Senate as to our participation in the League Court or as to the form of the advice and consent to be given cannot in the nature of things be determined at this time. It so happens that I am chairman of the Committee on Foreign Relations and, occupying that position, I do not feel willing, nor do I think it would be becoming or suitable for me to attempt to anticipate or predict the action of the Senate when it has an opportunity to discuss the President's recommendation and request, which it has not yet had, because the President's message only reached the Senate four days before the adjournment of the last Congress. As always, I most earnestly desire the success of the Republican party, and am equally desirous that President Harding should be renominated and re-elected, and when the subject of the League Court has been fully discussed and considered I hope and believe that a satisfactory adjustment will be reached. If I were now to discuss the questions which I have indicated as to the League Court and as arising under the suggestions of the Secretary of State, what I said might be easily misconstrued and regarded as an effort to forestall or forecast the action of the Senate, which I have neither the right nor the authority to undertake.

The Permanent Court of International Justice

Documents Establishing the Court

Resolution Passed by the Assembly of the League of Nations, Geneva, December 13th, 1920

1. The Assembly unanimously declares its approval of the draft Statute of the Permanent Court of International Justice—as amended by the Assembly—which was prepared by the Council under Article 14 of the Covenant and submitted to the Assembly for its approval.

2. In view of the special wording of Article 14, the Statute of the Court shall be submitted within the shortest possible time to the Members of the League of Nations for adoption in the form of a Protocol duly ratified and declaring their recognition of this Statute. It shall be the duty of the Council to submit the Statute to the Members.

3. As soon as this Protocol has been ratified by the majority of the Members of the League, the Statute of the Court shall come into force and the Court shall be called upon to sit in conformity with the said Statute in all disputes between the Members or States which have ratified, as well as between the other States, to which the Court is open under Article 35, paragraph 2, of the said Statute.

4. The said Protocol shall likewise remain open for signature by the States mentioned in the Annex to the Covenant.

The Protocol of Signature

Provided for by Article 14 of the Covenant of the League of Nations

THE Members of the League of Nations, through the undersigned, duly authorized, declare their acceptance of the adjoined Statute of the Permanent Court of International Justice, which was approved by a unanimous vote of the Assembly of the League on the 13th December, 1920, at Geneva.

Consequently, they hereby declare that they accept the jurisdiction of the Court in accordance with the terms and subject to the conditions of the above-mentioned Statute.

The present Protocol, which has been drawn up in accordance with the decision taken by the Assembly of the League of Nations on the 13th December, 1920, is subject to ratification. Each Power shall send its ratification to the Secretary-General of the League of Nations; the latter shall take the necessary steps to notify such ratification to the other signatory Powers. The ratifica-

tion shall be deposited in the archives of the Secretariat of the League of Nations.

The said Protocol shall remain open for signature by the Members of the League of Nations and by the States mentioned in the Annex to the Covenant of the League.

The Statute of the Court shall come into force as provided in the above-mentioned decision.

Executed at Geneva in a single copy, the French and English texts of which shall both be authentic.

16th December 1920.

OPTIONAL CLAUSE.

The undersigned, being duly authorized thereto, further declare, on behalf of their Government, that, from this date, they accept as compulsory "ipso facto" and without special Convention, the jurisdiction of the Court in conformity with Article 36, paragraph 2, of the Statute of the Court, under the following conditions:

Statute* for the Permanent Court of International Justice

Provided for by Article 14 of the Covenant of the League of Nations

ARTICLE 1.

A Permanent Court of International Justice is hereby established, in accordance with Article 14 of the Covenant of the League of Nations. This Court shall be in addition to the Court of Arbitration organized by the Conventions of The Hague of 1899 and 1907, and to the special Tribunals of Arbitration to which States are always at liberty to submit their disputes for settlement.

CHAPTER I. Organization of the Court.

ARTICLE 2.

The Permanent Court of International Justice shall be composed of a body of independent judges, elected regardless of their nationality from amongst persons of high moral character, who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are jurisconsults of recognized competence in international law.

ARTICLE 3.

The Court shall consist of fifteen members; eleven judges and four deputy-judges. The number of judges and deputy-judges may hereafter be increased by the Assembly, upon the proposal of the Council of the League of Nations, to a total of fifteen judges and six deputy-judges.

ARTICLE 4.

The members of the Court shall be elected by the Assembly and by the Council from a list of persons nominated by the national groups in the Court of Arbitration, in accordance with the following provisions.

In the case of Members of the League of Nations not represented in the Permanent Court of Arbitration, the lists of candidates shall be drawn up by national groups appointed for this purpose by their Governments under the same conditions as those prescribed for members of the Permanent Court of Arbitration by Article 44 of the Convention of The Hague of 1907 for the pacific settlement of international disputes.

ARTICLE 5.

At least three months before the date of the election, the Secretary-General of the League of Nations shall address a written request to the Members of the Court of Arbitration belonging to the States mentioned in the Annex to the Covenant or to the States which join the League subsequently, and to the persons appointed under paragraph 2 of Article 4, inviting them to undertake, within a given time, by national groups, the nomination of persons in a position to accept the duties of a member of the Court.

No group may nominate more than four persons, not more than two of whom shall be of their own nationality. In no case must the number of candidates nominated be more than double the number of seats to be filled.

ARTICLE 8.

The Assembly and the Council shall proceed independently of one another to elect, firstly the judges, then the deputy-judges.

ARTICLE 10.

Those candidates who obtain an absolute majority of votes in the Assembly and in the Council shall be considered as elected.

In the event of more than one national of the same Member of the League being elected by the votes of both the Assembly and the Council, the eldest of these only shall be considered as elected.

ARTICLE 13.

The members of the Court shall be elected for nine years. They may be re-elected.*

ARTICLE 18.

A member of the Court cannot be dismissed unless, in the unanimous opinion of the other members, he has ceased to fulfil the required conditions.

*The Statute consists of 64 articles, Articles 2-23 have to do with the Organization of the Court, Articles 34-38 with the Competence of the Court, Articles 39-64 with the Procedure of the Court. Only the more important of the Articles are here printed. For full text see U. S. Senate Document No. 309, 67th Congress.

THE CONGRESSIONAL DIGEST

ARTICLE 22.

The seat of the Court shall be established at The Hague.
The President and Registrar shall reside at the seat of the Court.

ARTICLE 25.

The full Court shall sit except when it is expressly provided otherwise.
If eleven judges cannot be present, the number shall be made up by calling on deputy-judges to sit.

If however, eleven judges are not available, a quorum of nine judges shall suffice to constitute the Court.

*Article 26 refers to Labor cases and according to Secretary of State, Mr. Hughes, does not involve the U. S. in any manner, and so is not printed in full.

ARTICLE 32.

The judges shall receive an annual indemnity to be determined by the Assembly of the League of Nations upon the proposal of the Council.
This indemnity must not be decreased during the period of a judge's appointment. * * *

ARTICLE 33.

The expenses of the Court shall be borne by the League of Nations, in such a manner as shall be decided by the Assembly upon the proposal of the Council.

CHAPTER II. Competence of the Court.

ARTICLE 34.

Only States or Members of the League of Nations can be parties in cases before the Court.

ARTICLE 35.

The Court shall be open to the Members of the League and also to States mentioned in the Annex to the Covenant.

The conditions under which the Court shall be open to other States shall, subject to the special provisions contained in treaties in force, be laid down by the Council, but in no case shall such provisions place the parties in a position of inequality before the Court.

When a State which is not a Member of the League of Nations is a party to a dispute, the Court will fix the amount which that party is to contribute towards the expenses of the Court.

ARTICLE 36.

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in Treaties and Conventions in force.

The Members of the League of Nations and the States mentioned in the Annex to the Covenant may, either when signing or ratifying the protocol to which the present Statute is adjoined, or at a later moment, declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Member or State accepting the same obligation, the jurisdiction of the Court in all or any of the classes of legal disputes concerning:

- (a) The interpretation of a Treaty;
- (b) Any question of International Law;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

The declaration referred to above may be made unconditionally or on condition of reciprocity on the part of several or certain Members or States, or for a certain time.

In the event of a dispute as to whether the Court has jurisdiction, the matter shall be settled by the decision of the Court.

ARTICLE 37.

When a treaty or convention in force provides for the reference of a matter to a tribunal to be instituted by the League of Nations, the Court will be such tribunal.

ARTICLE 38.

The Court shall apply:

1. International conventions, whether general or particular, establishing rules expressly recognized by the contesting States;
2. International custom, as evidence of a general practice accepted as law;
3. The general principles of law recognized by civilized nations;
4. Subject to the provisions of Article 59, judicial decisions and the teachings of the most highly qualified publicists of the various nations, as subsidiary means for the determination of rules of law.

This provision shall not prejudice the power of the Court to decide a case *ex aequo et bono*, if the parties agree thereto.

CHAPTER III. Procedure.

ARTICLE 39.

The official languages of the Court shall be French and English. * * *
The Court may, at the request of the parties, authorize a language other than French or English to be used.

ARTICLE 40.

Cases are brought before the Court, as the case may be, either by the notification of the special agreement, or by a written application

addressed to the Registrar. In either case the subject of the dispute and the contesting parties must be indicated.

The Registrar shall forthwith communicate the application to all concerned.

He shall also notify the Members of the League of Nations through the Secretary-General.

ARTICLE 41.

The Court shall have the power to indicate, if it considers that circumstances so require, any provisional measures which ought to be taken to reserve the respective rights of either party.

Pending the final decision, notice of the measures suggested shall forthwith be given to the parties and the Council.

ARTICLE 42.

The parties shall be represented by Agents.
They may have the assistance of Counsel or Advocates before the Court.

ARTICLE 44.

For the service of all notices upon persons other than the agents, counsels and advocates, the Court shall apply direct to the Government of the State upon whose territory the notice has to be served.

The same provision shall apply whenever steps are to be taken to procure evidence on the spot.

ARTICLE 46.

The hearing in Court shall be in public, unless the Court shall decide otherwise, or unless the parties demand that the public be not admitted.

ARTICLE 53.

Whenever one of the parties shall not appear before the Court, or shall fail to defend his case, the other party may call upon the Court to decide in favour of his claim.

The Court must, before doing so, satisfy itself, not only that it has jurisdiction in accordance with Articles 36 and 37, but also that the claim is well founded in fact and law.

ARTICLE 55.

All questions shall be decided by a majority of the judges present at the hearing.

In the event of an equality of votes, the President or his deputy shall have a casting vote.

ARTICLE 56.

The judgment shall state the reasons on which it is based.
It shall contain the names of the judges who have taken part in the decision.

ARTICLE 57.

If the judgment does not represent in whole or in part the unanimous opinion of the judges, dissenting judges are entitled to deliver a separate opinion.

ARTICLE 59.

The decision of the Court has no binding force except between the parties and in respect of that particular case.

ARTICLE 60.

The judgment is final and without appeal. In the event of dispute as to the meaning or scope of the judgment, the Court shall construe it upon the request of any party.

ARTICLE 61.

An application for revision of a judgment can be made only when it is based upon the discovery of some fact of such a nature as to be a decisive factor, which fact was, when the judgment was given, unknown to the Court and also to the party claiming revision, always provided that such ignorance was not due to negligence. * * *

No application for revision may be made after the lapse of ten years from the date of the sentence.

ARTICLE 62.

Should a State consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit a request to the Court to be permitted to intervene as a third party.

It will be for the Court to decide upon this request.

ARTICLE 63.

Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings; but if it uses this right, the construction given by the judgment will be equally binding upon it.

ARTICLE 64.

Unless otherwise decided by the Court, each party shall bear its own costs.

Action taken by Other Countries on Permanent Court of International Justice

Only countries which are members of the League of Nations have taken action on the Permanent Court of International Justice.

Nations which have signed and ratified the Court Protocol—35

Albania	Estonia *	Poland
Australia	Finland *	Portugal *
Austria *	France	Rumania
Belgium	Greece	Serb-Croat-Slovene State
Brazil *	Haiti*, †	Siam
British Empire	India	Union of South Africa
Bulgaria *	Italy	Spain
Canada	Japan	Sweden *, †
China *	Lithuania *	Switzerland *
Cuba	Netherlands *	Uruguay *
Czechoslovakia	New Zealand	Venezuela
Denmark *	Norway *	

* States which have accepted Compulsory Jurisdiction—20.

† Put Optional Clause into effect without ratification.

Nations which have signed the Court Protocol—11

Bolivia	Latvia	Paraguay
Chile	Liberia **	Persia
Colombia	Luxemburg **	Salvador **
Costa Rica **	Panama **	

** States which have signed but not ratified optional clause providing for Compulsory Jurisdiction.

Members of League of Nations not parties to Court

Argentina	Honduras	Nicaragua
Guatemala	Hungary	Peru

States not members of the League of Nations

Abyssinia	Ecuador	Russia
Afghanistan	Germany	Turkey
Dominican Republic	Mexico	United States

References to the League of Nations Contained in the Court Statute

Extracts from the Covenant of the League of Nations

Members of the League

"Article 1. The original Members of the League of Nations shall be those of the Signatories which are named in the Annex to this Covenant, and also such of those other States named in the Annex as shall accede without reservation to this Covenant. Such accessions shall be effected by a declaration deposited with the Secretariat within two months of the coming into force of the Covenant."

"Any fully self-governing State, Dominion or Colony not named in the Annex may become a Member of the League if its admission is agreed to by two-thirds of the Assembly, provided that it shall give effective guaranties of its sincere intention to observe its international obligations, and shall accept such regulations as may be prescribed by the League in regard to its military, naval and air forces and armaments."—*Covenant*.

The Assembly

"Article 3. The Assembly shall consist of representatives of the Members of the League."

"At meetings of the Assembly each Member of the League shall have one vote, and may have not more than three Representatives."—*Covenant*.

The Council

"Article 4. The Council shall consist of representatives of the Principal Allied and Associated Powers (United States of America, the British Empire, France, Italy and Japan), together with Representatives of four* other Members of the League. These four Members of the League shall be selected by the Assembly from time to time in its discretion. Until the appointment of the Representatives of the four Members of the League first selected by the Assembly, Representatives of Belgium, Brazil, Greece and Spain shall be Members of the Council."

"With the approval of the majority of the Assembly, the Council may name additional Members of the League, whose Representatives shall always be Members of the Council; the Council with like approval may increase the number of Members of the League to be selected by the Assembly* for representation on the Council.†"

* At the request of the Council, the Assembly on September 25, 1922, approved "the decision of the Council to increase the number of Members of the League chosen by the Assembly for representation on the Council from four to six." The decision was effective immediately and Belgium, Brazil, China, Spain, Sweden and Uruguay were elected to send Representatives to the Council up to the Fourth Assembly, September, 1923.

The Permanent Court of International Justice at Work

Meetings

Preliminary session, January 30–March 24, 1922.

Opening ceremony, February 15, 1922.

First annual session, June 15–August 12, 1922.

Special session, January 8, 1923.

Cases Before the Court

1. Great Britain v. France: The nationality decrees issued by France in Tunis and Morocco (French zone) on November 8, 1921, and their application to British subjects. Pending.

2. France, Great Britain, Italy and Japan v. Germany: The use of the Kiel Canal under Art. 386 of the treaty of Versailles. Pending.

"Any Member of the League not represented on the Council shall be invited to send a Representative to sit as a Member at any meeting of the Council during the consideration of matters specially affecting the interests of that Member of the League."

"At meetings of the Council, each Member of the League represented on the Council shall have one vote, and may have not more than one Representative."—*Covenant*.

States mentioned in the Annex to the Covenant of the League of Nations

I. Original Signatories of the Treaty of Peace.

United States of America *	Cuba	Nicaragua
Belgium	Ecuador *	Panama
Bolivia	France	Peru
Brazil	Greece	Poland
British Empire	Guatemala	Portugal
Canada	Haiti	Rumania
Australia	Hedjaz	Serb-Croat-Slovene
South Africa	Honduras	State
New Zealand	Italy	Siam
India	Japan	Czecho-Slovakia
China	Liberia	Uruguay

* Not members of the League of Nations. The Treaty of Peace with Germany, signed June 28, 1919, at Versailles was submitted to the United States Senate by President Wilson on July 10, 1919, and was rejected by the Senate November 19, 1919.

States Invited to Accede to the Covenant

Argentine Republic	Netherlands	Salvador
Chile	Norway	Spain
Colombia	Paraguay	Sweden
Denmark	Persia	Switzerland
		Venezuela

† The Assembly voted in favor of the following amendment, forming a third paragraph, in 1921, and the Members are now deciding upon its ratification:

"The Assembly shall fix by a two-thirds majority the rules dealing with the election of the non-permanent Members of the Council, and particularly such regulations as relate to their term of office and the conditions of re-eligibility."

Advisory Opinions Rendered by the Court to the Council of the League

1. July 31, 1922, on the nomination of Delegates to the International Labor Conference.

2. August 12, 1922, on the competence of the International Labor Organization to deal with questions relating to conditions of labor among agricultural workers.

3. August 12, 1922, on the competence of the International Labor Organization to deal with questions relating to agricultural production.

4. February 7, 1923, on the nature of the questions involved in the British-French dispute as to the nationality laws of Tunis and Morocco.

Judges of the Court

Elected September 14-15, 1921, to serve nine years.

Judge	Nationality
Rafael Altamira y Crevea	Spain
Dionisio Anzilotti	Italy
Ruy Barbosa *	Brazil
Antonio Sánchez de Bustamante	Cuba
Robert Bannatyne Viscount Finlay	Great Britain
Hans Max Huber	Switzerland
Bernard Cornelis Johannes Loder, President	Netherlands
John Bassett Moore	United States
Didrik Galtrup Gjedde Nyholm	Denmark
Yorozu Oda	Japan
Charles André Weiss, Vice-President	France

* Deceased (March 1, 1923).

† The nationality of a judge does not indicate that his nation is represented. See Articles 2, 9, and 10 of the Court Statute.

Deputy Judges

Judge	Nationality
Frederik Valdemar Nikolai Beichmann	Norway
Mikhailo Jovanovich	Serb-Croat-Slovene State
Dumitriu Negulescu	Rumania
Wang Ch'ung-hui	China

THE Assembly of the League of Nations, in conformity with the provisions of Article 32 of the Statute, fixed the salaries and allowances of members of the Permanent Court of International Justice by a resolution passed at Geneva, December 18, 1920.

The annual salary of the Judges is fixed at 15,000 Dutch florins, which, at the normal rate of exchange, is equivalent to \$6,030.

John Bassett Moore, Member of the Permanent Court of International Justice, gives a Biographical Sketch of his Colleagues

Lord Finlay holds at the bar of his own country the highest rank. From 1900 to 1905 he was Attorney General, while from 1915 to 1919 he was Lord Chancellor. He is also a member of the Permanent Court of Arbitration, before which, in 1910, he represented his government in the celebrated case of the North Atlantic Fisheries, which was then finally determined.

Mr. Loder, besides having sat in the supreme court of the Netherlands, has been active in various international bodies, being one of the founders of the International Maritime Committee, in 1896, and a participant in the international conferences on maritime law at Brussels in 1905, 1909 and 1910. He was a delegate to the conference held at Paris in March, 1919, to discuss the plan of a League of Nations; was president of the Conference of Neutrals held at The Hague in 1920 for the purpose of drawing up a plan for the Permanent Court of International Justice, and was a member of the Advisory Committee of Jurists, by which the first draft of the actual plan was drawn up.

Mr. Ruy Barbosa is one of the most eminent of Brazilian lawyers and statesmen. He was Minister of Finance and Vice-President of the Provisional Government when the transition took place in Brazil from a monarchy to a republic, and was one of the principal authors of the plan of a constitution for the republic presented to the constituent assembly. He was one of the most active members of the second Peace Conference at The Hague in 1907.

Mr. Nyholm, who is an honorary member of the Council of State of Denmark, and a member of the Permanent Court of Arbitration, has since 1897 been a member of the International Mixed Court at Cairo, of which he has been Vice-President since 1916.

Mr. Weiss, who is a member of the Institute of France, is jurisconsult to the Ministry of Foreign Affairs, and a member of the Permanent Court of Arbitration. He is professor of private international law at the University of Paris, and is a distinguished writer on that subject.

Mr. de Bustamante, who was educated for the bar at Havana and at Madrid, was, almost at the beginning of his professional career, appointed to the chair of international law at the University of Havana, which he still holds. He also is president of the *Institut de Droit International*. He is a member of the Permanent Court of Arbitration. Eminent as a practitioner, he is dean of the Havana bar. He has held with distinction various public positions, and is the author of numerous legal works of recognized value.

Mr. Altamira, who is a member of the senate of Spain, is professor of the history of political and civil institutions of America at the University of Madrid. He is a member of the Spanish Royal Academy of Moral and Political Sciences,

a corresponding member of the Institute of France, and president of the Ibero-American Institute of Comparative Law. He was a member of the Advisory Committee of Jurists.

Mr. Oda is professor of international law at the University of Kyoto, of which he is also rector. He is a member of the Academy of Japan, and is the author of numerous works on the usages, manners and laws of China and Formosa, where he spent many years.

Mr. Anzilotti is professor of international law at the University of Rome, is jurisconsult to the Italian Ministry of Foreign Affairs, and is an author and editor of high repute. He is a member of the Institute of International Law and of various other scientific societies. He is a member of the Permanent Court of Arbitration.

Mr. Huber is honorary professor of international law and of public law at the University of Zurich, and is jurisconsult to the Swiss Government in matters of foreign affairs. He was a delegate to the second Peace Conference at The Hague in 1907, and also to the Peace Conference at Paris in 1919. He is an author of eminence, and a man of exceptional learning and intelligence.

Mr. Jovanovitch, the eldest of the four deputy judges, is president of the Court of Cassation of Servia, and was formerly minister of justice of that country. He is an authority on the history of Slav law, and is the author of numerous legal works.

Mr. Beichmann is president of the court of appeals of Trondhjem, Norway, is vice-president of the *Institut de Droit International*, and is a member of the Permanent Court of Arbitration. He has lately served as president of an arbitral commission dealing with certain matters in Morocco.

Mr. Negulescu has been a professor at the University of Bucharest since 1901, and is the author of numerous legal works. He represents Roumania in the League of Nations, and was a member of the committee of the Assembly which revised the draft of the statute as prepared by the Advisory Committee of Jurists.

Mr. Wang, the fourth deputy judge, was minister of foreign affairs of the provisional government of China at Nanking. He was also minister of justice in the first Republican cabinet, and was formerly president of the committee on the codification of the laws of China. He perhaps is best known in the United States by his admirable translation into English of the German civil code.

For a sketch of himself, the present writer would refer to "Who's Who."—Extracts from Article by John Bassett Moore, in the *Columbia Law Review* June, 1922, entitled "The Organization of the Permanent Court of International Justice."

Should U. S. Join the Permanent Court of International Justice?

Pro

Hon. Charles E. Hughes
U. S. Secretary of State

LET it first be noted exactly what the proposal is and what it is not. As the President has explicitly stated, it is proposed to support the Permanent Court of International Justice; it is not proposed to enter the League of Nations. Those who desire that by this method the United States shall become a member of the League are indulging vain hopes, and those who are alarmed at such a possibility are entertaining vain fears.

These are the questions in which I assume the citizens of the United States are interested.

First. Why should there be an International Court? The manifest answer is that there are controversies between nations which should be decided by a Court.

There are international contracts or treaties, now more numerous than ever, to be interpreted.

We have rights and duties under international law. We are parties to treaties under which we have rights and obligations. As we cannot be the final judge in our own cases, we need the best possible international tribunal to decide them. It is equally essential to world peace that controversies not our own should be peacefully and impartially determined wherever that is possible.

How are controversies between nations to be determined? If the nations are able to agree, the question does not arise. But what shall be done if they can not agree? Is their controversy to remain a festering sore? The only way to prevent war is to dispose of the causes of war and the desire for peace must be supported by the institutions of peace.

Second. Why should there be a permanent Court instead of temporary arbitral tribunals?

Arbitrators are selected to determine a particular controversy, and after the controversy has arisen. When the decision has been made the arbitral tribunal ceases to exist.

There is unnecessary expense in the creation of a separate tribunal for every case and there is a regrettable loss in the experience of judges because of the lack of continuity in service. For the same reason, the development of the law suffers, as, instead of a series of decisions gradually establishing a body of law, there are sporadic utterances by temporary bodies disconnected with each other, acting under different conditions, and having a widely different capacity.

There is a still more serious defect in this process. The arbitral tribunal is composed of those specially selected by the parties to the dispute. And those members of the tribunal who are the separate choice of each party tend to become advocates rather than judges; if this is not always the case in fact, it is generally so in public estimation.

The question finally comes to the selection of the umpire. When there is a serious controversy between great powers, however, the choice of an umpire is far from easy. The difficulty has been vastly increased by the feelings engendered and the alignment of sympathies in the Great War. The process tends to the intrusion of political interest and to a solution by compromise instead of a proper judicial determination. Questions of right come to be determined as questions of policy.

The problem in the improvement of the judicial process in international relations is to secure immunity, so far as is humanly possible, from considerations of political interest and policy and to have the rights and obligations of nations determined upon their merits.

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Con

Hon. John Hays Hammond
Authority on International Affairs

ONE of the most important subjects to be discussed at our next congress is America's participation in a world court. America has always been the foremost nation in the advocacy of such a tribunal.

While we should recognize that if we are to assert our rights as a nation we must assume at the same time our responsibility as a nation, yet in common with the great majority of Americans I am unalterably opposed to joining the existing League of Nations or any other international organization which involves super-government, or in the slightest degree derogation of our national sovereignty, but I do not believe it possible or even desirable for our government to be represented on the International Court of Justice as at present constituted. This Court is the paid agent of that inherently political body known as the League of Nations, and as such may be called upon to advise the League upon matters to be submitted to it by the League. As a matter of fact three of the first four cases decided by the Court have been advisory opinions rendered to the League and do not involve disputes between nations.

The United States would thus find itself in the embarrassing position of supporting an institution dealing with questions as to which it has disclaimed responsibility, and in the solution of which the United States has refused to be involved. Some of these questions arise under the treaty of Versailles, such as international labor questions, international communication questions and the protection of minorities, not to mention other subjects arising under other and related treaties. To deal with non-justiciable questions—and many controversies in this category are provocative of war—there should be a council of conciliation. Through these agencies—a world court and a council of conciliation—a body of international law would in time be developed, resulting in the elimination of many disputes from the necessity of diplomatic intervention. No serious-minded person believes that this or any other plan would render war impossible. It would, however, at least greatly minimize the liability of war. Whether the court should have compulsory jurisdiction or whether the council of conciliation should be invested with sanction is, many of us believe, a matter of subsequent international agreement. Without these functions the court and the council of conciliation would admittedly "lack the teeth," which some authorities regard as indispensable to the success of this program.

The plan suggested is free from the objection urged against the enforcement of peace by military power. Its efficacy would depend, until the nations themselves in the future agree to the application of coercive intervention, upon the pressure of public opinion to compel the observance of international obligations. Publicity, the sunlight of God's truth, is what is needed in international relations.

In connection with such a court there should be a separate branch with jurisdiction over questions of purely commercial character, dealing with investments of foreign capital and with foreign commerce. Access to a court of this kind would inspire confidence of investors in foreign securities, thereby greatly promoting the development of the resources of those countries which are dependent upon cheap money, and cheap money is obtainable only where there is a guarantee of the security of investments against confiscatory laws.—*Extract from address before the Women's Civic League in Baltimore, April 11, 1923.*

Would U. S. Help Europe by Joining World Court?

Pro

Hon. Herbert Hoover

Secretary, U. S. Department of Commerce

THERE is a vivid conflict of opinion among us as to the principles and methods which should guide international cooperation to prevent war. That we should join in world organization of various degrees of implication to enforce peace; that war is to be used as a weapon to prevent war; or that there shall be created a world police to enforce peace; or that commitments are to be taken in advance for joint action that may limit national independence or that military alliances are to be set up with particular groups to guarantee their safety, or that world association should be created to promote peace by negotiation and agreements—these are all propositions of much divided opinion. But the rejection of one particular device does not mean that America has lost its interest in finding solution.

Whatever the rights or wrongs of these methods or principles, the proposition that we join the Permanent Court for International Justice involves none of them. For the Court relies upon the upbuilding of the processes of justice between nations, and upon public opinion for their enforcement. By it we enter into no obligations to use arms or take no commitment that limits our freedom of action.

The International Court is to deal in a judicial way with questions which arise under international treaties, and under established international law; to provide a place where judgment may be given on the merits of a great multitude of questions for the settlement of which there has hitherto been no process except negotiation or their reference to arbitration. And too often in the past, it has been this process of direct negotiation which, beginning calmly enough, has generated friction, friction in turn has led to distrust, distrust to hate, and finally hate has led to danger and sometimes to war.

The establishment of the Hague Tribunal was a great step in eliminating these frictions, but it has the demerit of all arbitration in that each party appoints not an arbiter but a representative, who in the presence of an independent party proceeds to a negotiation and ultimately a compromise.

The Court is not the total solution of international co-operation for peace, for the great field of political action as distinguished from judicial action remains unsolved, but this step is sound and sure. It is the minimum possible step in eliminating the causes of war.

The proposals to join the Court have been criticized from various angles. The first of these is that it leads us into some undescribed political entanglement. This is untrue, for the decrees of the International Court are based upon the process of law, not upon political agreement; their enforcement rests wholly on public opinion and not upon force. In supporting this Court, we subscribe to no compulsion whatever. We do not need to submit any case to the Court unless we feel like doing so at the time the case arises. No other nation can summon us into court except with our consent. The Court itself can not summon us in, nor in any manner or degree exert upon us any kind of compulsion, not even moral. Our proposal to enter the Court and the act of adhesion to it which President Harding has asked, is based upon the assumption that compulsion is not necessary for peoples of good will and a sense of justice.

But the adhesion which President Harding proposes to the International Court is strictly limited by carefully drawn stipulations. All we do if we ratify President Harding's proposal—all the promises we make—the only obligation we take are these and only these: We promise to pay a share of

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Con

Hon. John K. Shields

U. S. Senator from Tennessee

WHILE there is a provision that the United States shall bear no legal relation to the League of Nations and assume no obligations under its covenant, yet it is stipulated that it shall participate in elections of judges, and in proceedings for the amendment of the statute creating the Court, thus directly providing that the United States shall be represented in the council and assembly of the League in most important and vital matters, involving the highest legal relations, which are necessarily extended by the provisions of the statute and protocol applicable to all nations submitting to the jurisdiction of the Court. It is impossible that a nation can be in part a member of the League, participate in its deliberations and be bound by them, and not have legal relations with it. This is obvious to everyone and needs no elaboration. The stipulation that we shall participate in the election of judges means nothing, for the 15 judges and deputy judges were elected nearly a year ago for the term of nine years, and the Court was fully organized and held its first session in June, 1922.

There is no stipulation in the resolution excluding from the consideration of the Court all questions of vital interest, independence, and national honor, which have always been reserved in arbitration agreements and arbitration treaties which the United States has made in the past. No self-respecting nation can submit to arbitration or to the adjudication of any court, especially a foreign one, any question vital to its existence, affecting its independence as a sovereign nationality or involving the honor of its people and its government.

I have no prejudice against the Permanent Court of International Justice, to the jurisdiction of which it is proposed by President Harding we shall submit, solely because it was established by the League of Nations; but I do object to the provisions of the constitution of the Court and its organization and to the obligations we would assume under the protocol. The ratification of the protocol would commit us to the principles of the covenant of the League without reservations and lead inevitably to full membership of that organization and involve us in the political contentions and wars of Europe. We should not do indirectly what we have by direct action refused to do.

I have no quarrel with the League of Nations as an organization of the nations of Europe, Asia, and Africa, for whose primary use, benefit, and control it was proposed and organized. Those nations had a right to create a League and to organize it with such power as their people and their governments desired, and we have no right to complain of their action. All independent nations have a right to govern themselves in such manner and by such constitutions and laws as their people may choose and select. That is self-determination and government by consent of the governed.

I am glad to hear of the League's success, and I hope that it may ultimately be able to allay the bitterness and strife, the racial, territorial, and religious controversies, centuries old, raging in those countries. Europe has been a battle field for more than a thousand years and is now threatened with several wars. All men must and do hope and pray that they may settle their differences and that they may be blessed, like our country, with peace, prosperity, and happiness. It must, however, be conceded that the great controversies involving the members of the League are being settled in con-

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Could U. S. Join Court Without Joining League of Nations?

Pro

Hon. Elihu Root

*President, American Society of International Law
Mr. Root was Secretary of State, 1905-1909. Member of the
Alaskan Boundary Tribunal, 1903. Counsel for U. S. in North
Atlantic Fisheries Arbitration, 1910. Member of the Permanent
Court of Arbitration at The Hague since 1910.*

THE proposal that the United States shall adhere to the protocol of December 16, 1920, which established the Permanent Court of International Justice, is quite distinct from the question whether the United States should become a member of the League of Nations. The two different projects approach the great problem of preserving peace from different angles and by different methods. They differ radically in their nature and in their effects.

The organization of national representatives in an Assembly and Council provided for by the League of Nations covenant was in substance provision for a special form of diplomatic procedure, adapted like all diplomatic procedure to deal with questions of national policy. The Assembly and Council are not composed of natural persons. They are composed of states represented by natural persons. The honorable obligation of each individual, taking part in the proceedings of the Council and Assembly, is the obligation of a diplomatic agent towards his own country. There is none of that special personal obligation which constrains the conscience of a judge upon his oath and his self-respect to decide any controversy in accordance with law and the facts, without subordination to political power.

The Court of International Justice completely excludes the essential characteristics of the League organization and procedure.

No diplomatic agreement is sought or attained. No member of Court represents, or is at liberty to represent any state whatever.

Their duty is not to deal with policies or agreements, but to decide questions of fact and law in cases brought before them. Each judge's obligation is upon his own conscience to hear and decide upon the evidence and the law in accordance with his own personal judgment.

The Court is absolutely independent and is subject to no control by the League of Nations or by any other political authority.

It is plain that there is a line of cleavage between this Court on the one hand, and the political organization of the League on the other, which is the same as the line drawn by the Supreme Court of the United States between its own functions in dealing with judicial questions and the functions of the legislative and executive branches of our government in dealing with political questions. One of the curious human features of international affairs is that two peoples will accept without irritation an impartial decision upon a question between their two countries when if the Foreign Minister of either country had agreed to the same thing voluntarily, he would have been hung in effigy.

It is only by advance in the establishment of law that the peace loving peoples of the world can move forward towards the permanent establishment of the rule of public right in lieu of impulse and selfishness and brutal force.

We sometimes hear the remark that the Great War has destroyed international law. But it is not so. It is true that many of the rules of international law, designed to regulate the conduct of war, were grossly violated.

The whole community of individuals or of nations can destroy a law by acquiescing in the breaking of it, but no lawbreaker can destroy the law he breaks.

Con

Hon. William E. Borah

U. S. Senator from Idaho

I CAN perfectly understand the man who believes in the League and wants us to join it. But I cannot understand, I am frank to say, those who insist we must not join the League but must join everything the League creates, and yet stay out of the League. I think the proposition that you can go into the League Court and still continue to be against the League, or stay out of the League, is the most remarkable proposition ever presented to the public. It is an impossible proposition. It would never be suggested if political expediency did not seem to require it.

It is conceded that the sole source of existence and the sole power of maintenance of this particular Court is the League of Nations. It created the Court. It elects the judges. It fills the vacancies. It pays the expenses of the Court. It maintains and preserves the Court. In other words, there can be no Court unless the creating, electing, sustaining, maintaining power of the Court continues to exist. When the League falls, the Court falls. When the League breaks down, the Court disappears. If the Court is to be preserved, we must first preserve the League. When we become a member of the Court, therefore, if we are in good faith and believe in the Court and want to maintain it and build it up and make it effective, we must become vitally concerned in everything which will preserve the strength and maintain the League.

We are told almost every day that unless we join the League, it must inevitably break down, that without the United States it cannot ultimately succeed. There is a great campaign being organized now to take us into the League in order that the League may be preserved. Suppose it becomes perfectly apparent to all, as it now is to so many, that without the United States goes into the League the League must fail. Would those people who are now advocating this Court under such circumstances continue to oppose the League and let the Court perish? What kind of a position of stultification would a man be in who, under such circumstances, would stand up and argue that this Court is a great thing, that we ought to preserve it, but we must destroy the foundation upon which it rests.

It is said we should help to defray the expenses of the Court, and that is one of the reasons for joining, that we may bear our proportion of the burden. Certainly we should pay if we make use of it. But the expenses of the Court is a small item in maintaining the League. After we have come to enjoy the benefits of the Court, if there are any to enjoy, shall we refuse to bear our proportion of the expenses of the League without which we can have no Court? Already complaints have been made by certain governments about the expenses of the League. Some governments, according to press dispatches, have declined to meet their proportion of the expenses. Yet it is said that we can take the position before the world that the vast expenses of the League, without which the League would fail and the Court fail, shall be borne by other nations. This is the position which, I venture to say, has never been assumed before and it is an exhibition of grasping selfishness, the like of which no nation ever before advocated.

The League is now in a position where it must soon be called upon to maintain the integrity of Article X. Suppose it assumes that task, or suppose anything else comes along which tests the strength and stability of the League. Every attack upon the League will be an attack upon our Court.

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Is it Necessary for U. S. to Join Permanent Court?

Pro

Hon. Horace M. Towner

*U. S. Representative from Iowa, 1911-1923**Appointed Governor of Porto Rico on March 2, 1923.*

IT is urged that we should not establish an international court to interpret and apply international law until there is established a system or code of international law.

There is available, however, a large body of international law to aid and direct the court in the decision of cases which may come before it. In the first place every treaty between nations is international law and binding as to the parties to such treaty. The court will interpret a treaty in case of disagreement as to its provisions between the contracting parties. When the large number of treaties covering almost every possible phase of international relations is considered it will be realized how necessary it is that a court should be established to interpret and settle differences regarding them.

The decisions of courts of last resort of the great nations, especially of the courts of Great Britain and the Supreme Court of the United States, are drawn upon for principles and applications of international law. The decisions of the Permanent Court of International Justice will furnish a body of precedents which may be applied in subsequent cases.

But a still more important consideration in this regard is the proposed revision and codification of international law. It is admitted by all those conversant with international affairs that a conference should be called soon to review the condition of international law, to formulate and codify as far as possible the principles and rules thereof, and to provide for further periodic conferences for that purpose.

The President of the United States will be requested to call such a conference in the near future, to which other nations shall be invited to send delegates to consider and formulate for submission to their respective nations such rules of international law as the conference shall agree upon. These rules when adopted will constitute a body of international law which will be to the new court what our statutory law is to our courts. That this will be a great advance in the progress and development of peaceful settlement of international disputes cannot be doubted. In that advance the United States should not only bear a part but should lead and exert all its great prestige and dominating influence toward its early accomplishment.

The statement that the United States by adhering to the court is trying to enter the League by the "back door" does not merit attention. Neither does denunciation by the extreme antagonists of the League who assert that the United States should have nothing to do with anything connected with or approved by the League need consideration. The United States must and will not be influenced in a matter of such grave importance by such childish and unreasonable objections. If the court proposal originated with the League and would better conditions affecting the relations of the nations, the United States should give it unquestioned approval. But in this case it is the proposal of the United States which the League adopts. To now refuse to cooperate in the establishment and maintenance of a court which the United States has in so many ways approved and which seems almost universally desired by the people would be unthinkable.

Without delay, as soon as sufficient consideration to the conditions of adherence can be given, the United States should give full and effective sanction and support to the Permanent Court of International Justice now established at The Hague.—*Extracts from speech in the House of Representatives, March 4, 1923.*

Con

Hon. George H. Moses

*U. S. Senator from New Hampshire**Senator Moses was American Minister to Greece and Montenegro during President Taft's Administration*

THE secretariat of the League of Nations has become a small nation in itself, and it is the only small nation that has benefited particularly by the League. The secretariat, with its numerous commissions and sub-commissions, has completely solved the problem of caring for English younger sons. If you call the roll of the numerous attaches almost all the responses are in English. The League of Nations soon will outrank the army, the navy and the church in offering careers to younger sons.

I traveled as a private person on a vacation, but every time I attended a dinner party I was quickly surrounded by three or four men expounding to me their painful condition and the duty of the United States. Even where they had given up the hope of receiving billions for nothing from America they retain a vague idea that America should interfere in some way to solve their problems. When asked to express just what America should do, they say, "We don't exactly know, but you must share our responsibilities."

I think the attitude of mind goes back to the war when the belief was carefully inculcated that the United States was a kind of mythical rich uncle beyond the seas and that when he came home there was to be no more work and everybody was to have an automobile.

Everywhere they continued to use the strong word "must." "America must do this. America must do that." The word "must" is dinned into the ears of Americans everywhere in Europe.

The difficulty with our going into the world court is that we would go in as a new, fresh member on whom would be laid the duty of making every decision—a duty that does not belong to us.

Another difficulty is that the court has no clearly defined jurisdiction. The reservations already made by France, Great Britain, Italy and Japan deprive the court of any real authority. Lord Robert Cecil was very frank when he rose up in the League of Nations and proposed that there should be at the disposition of the League and its machinery an international force under a single command to be designated by the League, which single command should have the right to draw upon any of the nations adherent for its naval and military and air forces in such measure as might be deemed necessary.

This, of course, means a sanction for the court. Lord Robert Cecil is bright enough to know that it has to have a sanction and also bright enough to know that we are the only nation that would be called upon.

The agitation for the court represents to my mind the passion for machinery—the notion that, if anything is to be done, some new bureau or department must be created and that the machinery we have already must be cast aside.

I don't believe that the judgment of this country as expressed on election day in 1920 in opposition to the League of Nations and everything connected with it has substantially changed. From all the information that has come to me I do not believe that our entrance into the League of Nations through its subsidiary, the world court, is any more popular than our direct entrance would be.

The "great and solemn referendum" invoked by Woodrow Wilson was against our walking up the front path and through the front door of the League, and I don't think it can be interpreted as in favor of our crawling in through the coal hole.—*Extracts from interview in New York Herald.*

Important Comments on President Harding's Proposal

Pro

Hon. John H. Clarke

President of The League of Nations Non-Partisan Association, and former Justice of the U. S. Supreme Court

THE meticulous care with which our President and Secretary of State in the message of the one, and the letter of the other, concerning the World Court, dissected away all possible appearance even, of contact of the proposals they were making, with the League of Nations would have created an international sensation at the very least if applied to any one of the greater nations of the association. It is easy to conceive of conditions arising out of seething Central and Eastern Europe in which it might be worth while even for the Giant of the West to be on speaking terms with this great League for Peace.

But there are signs that day is breaking in the longitude of Washington. Let us hope that it is not the "phantom of false dawn" but a real coming of the light. I refer, of course, to the message of President Harding to the Senate on February 24th asking that it advise and consent to the negotiation by him of a treaty, in a form suggested, providing for the participation by our Government in the Permanent Court of International Justice. I could wish he had reversed the order and, sending a completed treaty, had asked the Senate to consent to it. It would have been more in conformity to the intent of our Constitution and to our traditional practice. The executive should avoid even the beginning of the evil of surrender to the Senate in this grave matter.

A World Court in the form in which this one has been organized and acting, for now more than a year, has been the aspiration of leading American lawyers and statesmen for more than half a century. The administrations of Presidents McKinley, Roosevelt, Taft and Wilson have all favored it. The Hague Conference in 1898 and in 1907 presented promising opportunities for procuring such a court and our delegates to each of those conferences were instructed to do, all in their power to obtain it. The instructions of Secretary Root to the delegates in 1907 have become world famous. But all efforts failed in the second Hague Conference as in the first, as did also all efforts afterwards until the League of Nations took the subject in hand and in just two years, by steady persistent pressing of the subject upon the attention of the many nations, in a manner which no other agency in the world could have done, it solved the problem and the Court was opened at the Hague in January 1922—the first court of the kind in the history of the world.

It is not too much to say that if it had done nothing more, the League would have justified its existence by the giving of this Court to the world.

There is no sound reason why the request of the President should not be granted and the only opposition heard to it comes from a little group of Senators, one of whom opposes the Court because it has too much power, another opposes it because it hasn't power enough, and another, a more naive or candid soul than the others, opposes it frankly because it is the offspring of the League of Nations, stoutly asserting that no good thing can come out of such a Nazareth.

We agree fully with Secretary Hughes that the "preponderant opinion" of our country favors such a court, and with the President, declaring that it is inconceivable that the American people should refuse their adherence to it.—*Extract from address at Non-Partisan Association Mass Meeting in New York, April 6, 1923.*

Con

Dr. David Jayne Hill

President, Nat'l. Association for Constitutional Government

Dr. Hill was Assistant Secretary of State, 1898-1903; American Minister to Switzerland, 1903-1905; to the Netherlands, 1905-1907; Ambassador to Germany, 1908-1911; Delegate to the Second Hague Peace Conference, 1907.

IN commenting upon the proposal of the President of the United States that our country should participate as a member of the Permanent Court of International Justice established by the League of Nations, we are reminded that a World Court of Justice has been a popular aspiration of the people of the United States and at the time of the first Hague Conference a definite plan was proposed, which was not adopted but which led to the adoption of the present Hague Court of Arbitration. It should also be remembered that in conjunction with the aspiration for a World Court it was also held that without a further clarification and extension of international law a World Court established upon the broadest and highest principles would be of limited utility.

The so-called Permanent Court of International Justice established by the League offers membership only to members of the League and three nations mentioned in the Annex of the Covenant, of which the United States is one, Ecuador and Hedjaz being the other two. Even if these three nations, made eligible because their representatives signed the Treaty of Versailles, which was not afterward ratified by them, should become members of the Court, it would still be the League's Court and not a real World Court, inasmuch as these additions would be annexed to the Court as eligible for admission to the League. No Power not eligible for admission to the League is represented in the Court. All the members of the Court thus far are members of the League which has created the Court, elected the judges, and is responsible for their payment.

It is true that the United States can become a member of the Court without being a member of the League of Nations, but, so long as the present statute of the Court remains unmodified, the United States can have no active participation in the election of judges without association with the Assembly and Council of the League, these being the electoral bodies by which the personnel of the Court is constituted. It is said that as electoral bodies the Assembly and the Council, although they constitute totally and exclusively the League of Nations, in performing the act of election do not act as the League. It would be interesting to inquire by what process the transformation is made from being the whole of the League to no part of the League when in the order of business the Assembly and the Council elect judges to the Court.

Perhaps it would seem trivial to insist that the United States would in any true sense become a part of the League of Nations by co-action with the League in the process of election, but it is evident that the United States would be acting as one of the three Powers mentioned in the Annex, and therefore its influence would be secondary as compared with the Assembly and the Council considered as an electoral bloc. It might perhaps be as well to renounce the privilege of electing judges and leave the election entirely to the Assembly and the Council of the League.

The great danger to the United States of America does not lie so much in membership in the League, where under the rule of unanimity it would always have the right of veto, as in membership in the Court provided its decisions are accepted as declarations of international law. It must not be

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Would U. S. Benefit by Joining World Court?

Pro

Hon. William L. Frierson

Former Solicitor General of the United States

IT behooves us to consider seriously what our relation to the Permanent Court of International Justice shall be and in what manner we may support and strengthen it. While it is the creature and an agency of the League of Nations, there has been a consistent effort to make it a tribunal to which all nations may safely submit their disputes.

The ultimate object of the statute was the creation of a court which would draw to itself for settlement all international controversies.

The Court is open primarily to all League of Nations States, but also, and on an equal footing, to all other States, subject only to their being required to contribute in a prescribed manner to the expense.

The jurisdiction which the authors of the plan hoped the Court would ultimately exercise is set out in the provision which gives an opportunity for accepting a compulsory jurisdiction.*

Our Government has as yet given no recognition to the Court. Whatever adherence we shall give it must be signified through treaties negotiated with the League of Nations or with the separate governments composing it. And the League, I think, has made it clear that we need feel no embarrassment in opening such negotiations by inviting an American lawyer to counsel with it and in electing an American citizen to be one of the first judges.

By conferring jurisdiction upon an International Court to interpret treaties we will surrender the power to finally determine some of the rights of aliens in this country, but other governments will surrender a corresponding power over the rights of our nationals. I do not mean that there will be an appeal from the decision of our courts in a suit between individuals. But if such litigation should arise the government whose nationals are interested could, if it thought proper, as between it and our Government, invoke the jurisdiction of the International Court to obtain an authoritative interpretation of the treaty involved. Our courts would doubtless hold in abeyance pending litigation and would, of course, accept the decision of the International Court as controlling.

The remainder of the jurisdiction consists of determining the law and facts controlling international obligations and the redress of international wrongs. Without this jurisdiction, the Court would in no real sense be an International Court.

The League has endeavored to provide the necessary power to make the Court the great conservator of the peace it was designed to be. Every member is pledged to support it and its jurisdiction by military force or economic pressure or both. A violation of the agreement to accept the judgment of the Court makes the offender the common enemy of all. Such a pledge made and faithfully observed by all the great powers would make war impossible, because it would be an act of practical self-destruction on the part of the aggressor. The making of the pledge would reduce the danger of war to a minimum, because the only menace to peace would be in the unavoidable possibility that a considerable number of powerful governments may not be faithful to their promise of support to the Court.

Surely our Government ought not to do less than enter into an agreement with as many governments as possible, ordaining that it shall be a canon of international law that the act of invading foreign territory, or declaring war, without favorable action by a recognized tribunal, or a refusal to

*EDITOR'S NOTE: See Article 36 of the Statute.

(Continued on page 250)

Con

Hon. Robert M. LaFollette

U. S. Senator from Wisconsin

THE movement to induce the United States to join the World Court, with or without reservations, has two aspects both of which are equally sinister and subversive of the best interests of the American people.

In its first aspect this is a part of the cleverly-conceived plan of the International Bankers to entangle the United States in the affairs of Europe so that American wealth, American soldiers, and American ships can be used to safeguard and protect their now almost worthless investments in the bonds, currencies and enterprises of the tottering nations of Europe. This plan contemplates a political sham battle in which the Democrats will support the League of Nations, and the Administration Republicans will battle bravely for the World Court—in other words, for the League in disguised and diluted form. Under this cunning plan, whether the pro-League Democrats or the pro-Court Republicans win, the result will be the same—the United States will be hopelessly entangled in the European chaos.

In its second aspect, the glorification of the World Court is an attempt to draw a red herring across the trail of the great domestic issues and thus seek to save the Administration and its supporting special interests from the wrath of an aroused and awakened people. They want American farmers to turn their eyes and their minds from their own bankrupt farms to the devastated areas of Europe, and thus forget that their present deplorable condition is the work of those great monopolistic interests which now control the political and economic machinery of the United States. They want American workers to become interested in the oppressions of Europe and thus forget the attempt of the railroads and industrial trusts in combination to crush their organizations and reduce individual wage-earners to a condition of helplessness.

This attempt will not succeed. The American people have now learned to distrust the inspired propaganda that plunged us into the World War, with its useless sacrifice of thousands of lives and billions of dollars, and which came so near to intriguing us into signing the Treaty of Versailles and the League of Nations Covenant. They know that this propaganda whether it is promoted by Democrats or Republicans, by President Wilson or President Harding, is false to American traditions and American interests and is inspired by those international financiers who know no country and serve only their own power and profit.

The Administration has done more to promote and provoke war by pledging its support to the Chester, Standard Oil and Sinclair concessions in Mosul, Sakhalin and elsewhere, than can ever be offset by all the arbitration courts, and other similar devices that can be invented.

The plain truth is that there is nothing that the United States can do that will solve the European situation until the Treaty of Versailles is obliterated and the people of Europe cast hatred, malice and revenge from their minds and hearts, abandon ruinous reparation demands, repudiate their imperialistic governments and themselves rebuild the shattered structure of western civilization.

We have already set Europe a good example by refusing to ratify the Treaty of Versailles. Let us now with goodwill to all the world resolutely proceed to curb our own imperialistic adventurers and set our own American house in order so that it may stand as a living example of the happiness and prosperity that is possible under genuine democracy.

Would Court Entry Prove Wise Step for America?

Pro

Professor Manley O. Hudson

Harvard University Law School

Formerly a member of the Secretariat of the League of Nations

THE new Court is not, as one critic has said, the "private" Court of the League of Nations. Its use has never been restricted to members of the League. By a decision of the Council of the League, taken on May 12, 1922, as authorized by a provision in the statute of the Court, it has been opened to all the world, so that any state may now appear before it as a party. Hungary appeared before the Court even before her admission to membership in the League.

In most cases each party to a dispute must consent before the Court can deal with the dispute. The Great Powers particularly were unwilling to dispense with the special consent to be given in each case. And the United States had taken the same position at both of the Hague Conferences.

It is not to be concluded, however, that the new Permanent Court of International Justice is merely a duplication of the old Permanent Court of Arbitration. Both now exist, and there is no intention that the former should entirely supersede the latter. The panel of 129 persons composing the Permanent Court of Arbitration is still needed for cases in which disputant states will desire to arbitrate before judges chosen *ad hoc*. Such a desire may be entertained, because some of the judges of the new Court may be *persona non grata* to a particular state, or more probably because the new Court is thought to be too busy or too large to handle a particular case. The Permanent Court of Arbitration is needed, also, for the nomination of the list of candidates from which the judges of the new Court may be chosen. But the Permanent Court of International Justice constitutes a signal advance over what it was possible to achieve at The Hague in 1899. It is in reality "permanent"; it is in reality a "court"; and with judges elected for terms of nine years it should come to have in time a continuous life of decisions and a consistent body of jurisprudence which may furnish a sound basis for the renovation of international law.

Once a decision has been given, how is it to be enforced? The statute of the Court is silent on this point, and the Court's situation is not unlike that of the United States Supreme Court in this respect.

But the principal "sanctions" for the Court's decisions, for all states, must be derived from the moral strength of the Court, and the moral force of the world's opinion behind it.

It is important, therefore, both by reason of the voluntary nature of its jurisdiction and by reason of the moral nature of its authority, that the Court shall have a united world supporting it. Successful functioning for a few years will give it great prestige, and the determination of a few important cases will dramatize its serviceability.

At the present time, our situation is this: the United States may have access to the Court on terms of equality with any other state. We may refer to it a dispute in which we are involved, if the other party consents; or we may consent when the other party seeks to refer it. We therefore reap the benefit of having a ready tribunal for our own as well as for other nations' disputes. Yet we pay no part of the Court's expenses. The rent of its headquarters in the Peace Palace at The Hague, even the salary of Judge Moore, is paid entirely by the League of Nations. We have a voice in the preliminary stage of the election of judges. But in the final stage of the election, in the voting in the Assembly and the

Con

Hon. Hiram W. Johnson

U. S. Senator from California

STILL the cry continues, the propaganda persists for our entry into Europe. It takes now one form and then a totally different one, and has run the gamut of possible international organizations.

Its advocates appeal, in turn, with equal fervor to our altruism and our cupidity. If Americans are deaf to the demand to stabilize the world and save civilization for humanity's sake, they are sternly told they cannot make as much money or have as profitable markets unless they join the European madness.

In either instance, the appeal is without real foundation, emanating from a befogged international intellectuality or hysterically perfervid imaginations.

The rebuffs of experience have taught wisdom to the old League advocates.

The imperious demand that America join the League of Nations is succeeded by the beautiful word picture of an economic conference and the great part the moral weight of the United States might play in a topsy turvy world.

And now, again, our old Leaguers, wary from defeats, in dulcet tones invite us to join the international court.

Joining or adhering to an arbitral international tribunal to which nations may or may not, as they see fit, bring their disputes, of itself might be deemed of little consequence, but its possibilities may at once transmute it into a matter of great import.

An international court which substitutes the rule of law for that of power, and the domination of justice for armed might, has a sonorous and an appealing sound. To argue that just as courts determine issues between individuals, it is logical there should be a like method of adjudication of differences between nations by similar courts at once strikes a sympathetic chord.

But what is not said and what is not understood is that the so-called international court is no court at all, as court is commonly understood. It is little more than what exists with our arbitration treaties.

It does not function like the ordinary courts with which we are familiar. It cannot hale before it recalcitrant countries, nor can it of itself assume jurisdiction of disputes between nations.

It is a mere arbitral tribunal to which nations may submit disputes if they see fit, and only those questions which the parties themselves agree to submit can be heard at all. Great Britain, France, Italy and Japan have refused to submit to any compulsory jurisdiction, reserving to themselves to decide when and whether any controversy in which they are interested shall come before the international tribunal.

Thus the much-heralded court, which is to prevent war in the future, is denied in its inception by the great nations of the earth the right or the power to act upon any questions, which may be the breeders of war, without the consent of these nations themselves.

It is proposed that we do exactly as Great Britain, France, Italy and Japan have done—decline to submit to the jurisdiction of the court, unless we wish to submit to it. In a controversy with one of the powerful nations of the earth, without that nation's consent, even if we desire it, the international court could not act.

The grandiloquent statements, therefore, made to our people that we are establishing the rule of law as opposed to the

(Continued on page 250)

Do American People Favor World Court Proposal?

Pro

Dr. Nicholas Murray Butler

President, Columbia University

IT is with profound regret that I see your influence thrown against prompt acceptance of President Harding's recommendation that the United States take steps formally to share in the organization and work of the existing international court of justice and to accept its jurisdiction in justiciable controversies arising between our Nation and any other.

This is not only fixed American policy but in particular it is oft declared Republican Party policy. A reading of the national platforms adopted by the Republican Party at the conventions of 1900, 1904, 1908, 1912, 1916, and 1920 will show the party's developing sense of the importance of this step and the various forms of its declared adherence to the principle involved. The New York State Republican convention which met at Saratoga in 1918 by unanimous vote made a still more definite and specific declaration.

The Sixty-fourth Congress, on August 29, 1916, enacted into law a declaration of the international policy of the United States, which specifically includes a plan for a court of arbitration or other tribunal to which disputed questions between nations shall be referred for adjudication and peaceful settlement.

President Roosevelt's notable speech at Christiania included this principle among the four points of the international program which he then advanced and supported.

The proposal of President Harding is that the American Government shall now definitely act in a way that will make good its oft-repeated declarations of policy. He proposes that we move forward in the only way that is now practicable, namely, by making use of the existing court, whose very framework was fashioned by American thought and on the basis of American experience.

The acceptance of President Harding's recommendation no more involves membership in or dependence on the existing League of Nations than it involves membership in or dependence on the Holy Roman Empire. The League of Nations as now constituted has demonstrated its incapacity to deal in any large and effective way with the economic and political rehabilitation of the world. Indeed, Lord Robert Cecil, one of the League's most earnest supporters, for reasons growing out of domestic politics, recently voted in the House of Commons against referring an important international issue to the League for settlement.

The question as to how best to constitute an effective association of nations for the purpose of declaring and enforcing rules of international law and conduct still awaits a satisfactory answer. In the meantime it is a forward step, and a long forward step, to put the powerful influence of the United States behind the only existing instrumentality for the extension of the rule of law in the life of nations.

The plan which the President proposes may be acted upon at once, and without long months and years spent in additional negotiation and debate over non-essentials.

From the viewpoint of party politics there is strong reason to believe that if a supposedly Republican Senate should fail to follow the President's leadership in making good repeated Republican Party promises and in moving forward effectively along lines of traditional American policy in international relations the elections of 1922 will seem like a summer zephyr when compared with the hurricane that will blow in November, 1924.—*Letter to N. Y. Herald, March 1, 1923.*

Con

Hon. William R. Wood

U. S. Representative from Indiana, and Chairman of the National Republican Congressional Campaign Committee

THE people of Indiana are against the World Court. Their opposition seems to be more clearly defined and more determined than it was against the League of Nations. If the United States wishes to go into a World Court it should start one of its own or revive the Hague.

The people I have talked with are convinced that this is just another name for a League of Nations. The fact that the Democrats are so anxious for it is all the evidence, or inducement, that is needed to make the Republican wary of it.

The President feels, of course, that the reason the people do not favor the World Court is that they do not understand it.

It is my sincere opinion that he will never be able to convince the people or change them. The result of the last election is all the proof I need that it is a dangerous policy.

It will certainly split the party. It seems to have been especially designed for this purpose, as well as for the purpose of getting us entangled in Europe.

The people will not stand for this. As they recall what has happened in Europe and what is happening now, they thank the lucky star that has kept them out.

My headquarters are swamped with letters from party leaders all over the country. Without exception they express amazement that this thing should be advocated at this time when there is no need of it.

When the President addresses the people directly on the subject in his tour of the country, he will find an overwhelming sentiment against any proposal that will carry us into the affairs of Europe, and particularly against the League Court.

The Court proposal can accomplish but two things:

First, it will create a schism in the Republican party, which will be more disastrous than that of 1912, and,

Second, it takes away from the Republican party a clean cut issue of non-entanglement and presents the Democrats with a handhold on issues and policy.

Opposition to the Court over the country is certainly more clearly defined than was the opposition to the League of Nations. Republican leaders everywhere have beleaguered me and I felt called upon to lay such facts as I have, and the opinions I received, before the President.

It is plain that for the most part those who are supporting the Court proposal and who have advanced it, are the same men who wanted to go into the Wilson League of Nations, with or without reservations.

The Court does not mean anything. The Hague Court was not successful. A proposal for an independent Court, or the setting up of a free body for all of the nations of the world, would in my judgment be well received, but the popular mind can not separate the present Court from the League of Nations and entanglement in Europe at a time when every thinking man is giving thanks that we are well out of a bad situation over there.

Secretary Hoover let the cat out of the bag when he said that all that was expected from us in repayment for entry into the Court was appropriation of funds toward the Court expenses.—*Extracts from public statement, April 21, 1923.*

(Hon. Elihu Root—cont'd from page 240)

The public opinion of the civilized world found in the clear rules of the law which it had established a certain basis for its judgment and it has reasserted and re-enthroned the law which was apparently overwhelmed for the moment.

The Court did not originate in the League of Nations. It originated in the proposal of the United States to the First Hague Conference of 1899. Upon the urgency of the United States in The Hague Conference of 1907, the project was worked out and agreed upon in its essential features, except the method of selecting the judges.

At the close of the war when the League of Nations came to be made, no power either to act as a Court, or to create a Court was vested in the League, but the duty of finding a way of solving this old unsettled question which already rested upon the foreign offices of the different powers, was imposed upon the Council of the League by the 14th article of the Covenant.

It should be observed that the protocol or treaty constituting this Court makes it a World Court and not a League Court; and especially it should be noted (1) that all states, including the United States, are made competent suitors before the Court; (2) that the citizens of all states, including the United States, are made eligible for election to be judges of the court; (3) that all states which were members of the old Permanent Court of Arbitration at The Hague, including the United States, are entitled to make nominations which shall form a part of the eligible list from which judges are to be elected; (4) that in electing a judge, the members of the Assembly and of the Council of the League of Nations are not exercising any power vested in them by the League or by the Covenant. They are executing a special power vested in them by the treaty which creates the Court and which authorizes them to act as special electoral bodies under the authority of the treaty; (5) that the protocol contains an express invitation to states not members of the League, including the United States, to become parties to the treaty by adherence.

Only two things appear to remain to complete the full participation of the United States. One is that the United States shall undertake to pay its reasonable portion of the very moderate cost of maintaining the Court. The other is that the United States shall have the right to be represented in the election of judges on the same footing as other powers.

It is proposed that we adhere to the protocol expressly as a state which is not a member of the League of Nations. The only obligation we assume is to pay a sum of money towards the support of the Court, the amount to be determined by our own Congress. The only right we acquire is to have a voice in the selection of judges. We may or we may not choose to litigate before the Court. If we do choose to litigate, we establish no relations to anyone except the perfectly definite and well understood relations of a litigant in any Court.

It is said that the jurisdiction of the Court ought to be compulsory. To that I personally agree. The commission which formulated and reported the plan for the Court, recommended that jurisdiction should be compulsory; but some nations were unwilling to go to that extent.

I sincerely hope that the approval of the United States may be given to this International Court which represents the highest point yet reached by agreement of the nations in affording the same substitute for war by judicial decision of international cases that has been so effective in doing away with private war among individuals.—*Extracts from Address before the American Society of International Law.*

(Hon. William E. Borah—cont'd from page 240)

If we believe in the Court as a great and good thing, would we not be called upon by the very logic of our moral existence to maintain its sole foundation? What would a reservation amount to when confronted with the logic of events?

I have my first pro-Leaguer to talk to, Republican or Democrat, Senator or private citizen, who does not believe that the going into this Court takes us into the League and makes us a part of the League

The Borah Plan To Outlaw War

Introduced by Senator Borah in the Senate on February 14, 1923. No action taken.

A resolution (S. Res. 441) to create and adopt a code of international law of peace and an International Court to make it effective.

Whereas war is the greatest existing menace to society and has become so expensive and destructive that it not only causes the stupendous burdens of taxation now afflicting our people but threatens to engulf and destroy civilization; and

Whereas civilization has been marked in its upward trend out of barbarism into its present condition by the development of law and courts to supplant methods of violence and force; and

Whereas the genius of civilization has discovered but two methods of compelling the settlement of human disputes, namely, law and war, and therefore in any plan for the compulsory settlement of international controversies we must choose between war on the one hand and the process of law on the other; and

Whereas war between nations has always been and still is a lawful institution; so that any nation may, with or without cause, declare war against any other nation and be strictly within its legal rights; and

Whereas revolutionary wars, or wars of liberation, are illegal and criminal, to-wit, high treason, whereas under existing international law wars of aggression between nations are perfectly lawful; and

Whereas the overwhelming moral sentiment of civilized people everywhere is against the cruel and destructive institution of war; and

Whereas all alliances, leagues, or plans which rely upon force as the ultimate power for the enforcement of peace carry the seeds either of their own destruction or of military dominancy to the utter subversion of liberty and justice; and

Whereas we must recognize the fact that resolutions, or treaties, outlawing certain methods of killing will not be effective so long as war itself remains lawful, and that in international relations we must have not rules and regulations of war but organic laws against war; and

Whereas in our Constitutional Convention of 1787 it was successfully contended by Madison and Hamilton that the use of force when applied to people collectively—that is, to States or Nations, was unsound in principle and would be tantamount to a declaration of war; and

Whereas we have in our Federal Supreme Court a practical and effective model for a real international court, as it has specific jurisdiction to hear and decide controversies between our sovereign States; and

Whereas our Supreme Court has exercised this jurisdiction without resort to force for 135 years, during which time scores of controversies have been judicially and peaceably settled that might otherwise have led to war between the States, and thus furnishes a practical exemplar for the compulsory and pacific settlement of international controversies; and

Whereas an international arrangement of such judicial character would not shackle the independence or impair the sovereignty of any nation: Now, therefore, be it

Resolved, That it is the view of the Senate of the United States that war between nations should be outlawed as an institution or means for the settlement of international controversies by making it a public crime under the law of nations, and that every nation should be encouraged by solemn agreement or treaty to bind itself to indict and punish its own international war breeders or instigators and war profiteers under powers similar to those conferred upon our Congress under Article I, section 8, of our Federal Constitution, which clothes the Congress with the power "to define and punish offenses against the law of nations"; and be it further

Resolved, That a code of international law of peace based upon equality and justice between nations, amplified and expanded and adapted and brought down to date, should be created and adopted;

Second. That a judicial substitute for war should be created (or if existing in part, adapted and adjusted) in the form or nature of an international court, modeled on our Federal Supreme Court in its jurisdiction over controversies between our sovereign States, such court to possess affirmative jurisdiction to hear and decide all purely international controversies as defined by the code or arising under treaties, and to have the same power for the enforcement of its decrees as our Federal Supreme Court, namely, the respect of all enlightened nations for judgments resting upon open and fair investigations and impartial decisions and the compelling power of enlightened public opinion.

Washington Papers Take Issue on World Court Proposal

Pro

"An American Policy"

Editorial from "Evening Star"

ATTEMPTS to attribute to the "sinister influence" of international bankers the recommendation by President Harding that the United States under certain conditions enter the Permanent Court of International Justice are plainly inspired by a desire to becloud the question before the American people.

In his speech delivered Friday night in this city Secretary Hughes, in answering the question, "Why should there be a Permanent Court instead of temporary arbitral tribunals?" pointed out that Secretary Hay instructed the American delegates to the first Hague conference in 1899 to present a plan for an international tribunal of a permanent character. Thus nearly a quarter of a century ago this government took its stand as advocating an international institution competent to decide disputes between nations. This effort was not successful completely. While the project was not adopted, the conference effected an improvement in existing practice by providing a code of arbitral procedure and an eligible list of arbitrators from which tribunals might be constituted to determine such controversies as the parties might agree to submit.

At the second Hague conference an effort was made to find a satisfactory method of selecting the judges for the Permanent Court, but it did not succeed, and for this reason the project failed. Nevertheless, there was hope and the American delegates reported to this government that with "a little time, a little patience and the great work is accomplished."

Thus the record bears ample justification for Secretary Hughes' statement that "the establishment of a Permanent Court of International Justice" has "continued to be a cardinal feature of American policy."

If there was international intrigue inspired by banking interests and other "malevolent" influences at work in 1899 there was no evidence of American suspicion. The policy of promoting and participating in a world tribunal to lessen the danger of war and promote the chances of peace was approved by this country without reference to partisan politics. It was regarded as sound American doctrine.

Now it is proposed that the United States shall, under certain safeguarding conditions, join a World Court which has been made possible along the very lines sought in 1899, and subsequently by the creation, as a result of the great war, of an international agency which assures the selection and maintenance of a court personnel of satisfactory character. What has happened meanwhile to cause the proposal to be assailed as dangerous, as un-American, as inimical to national integrity and security, as the inspiration of malevolent forces and sinister influences? Simply the fact that the agency that is now used by the other nations, and that it is proposed the United States shall use to maintain this Court, the development of which has been the consistent wish of this government for a quarter of a century, is itself under the ban of public disapproval in this country.

Secretary Hughes shows so clearly that none but a determined partisan can fail to see that utilization of the League of Nations as a means to the end of a World Court for the settlement of disputes on a basis of international law does not mean and does not involve membership in the League, or any obligation whatever to join it now or in the future. He shows, as the President has shown heretofore, that in seeking now to participate in the support of a Permanent Court of International Justice this government is simply carrying on one of its traditional purposes.—*Extracts.*

Con

"How World Court Would Fatally Entangle U. S."

Editorial from "Washington Herald"

SPECIAL pleaders for the International Court of Justice are telling the people that the United States may become a member without ~~entangling~~ itself with foreign nations, without mingling its national interests with European interests, without submitting its affairs to the judgment of foreign jurists, without involving its welfare in the preferences and prejudices of strange peoples.

Once in the Court, how deeply would the United States be entangled? Let us see.

One of the Court's duties is to interpret treaties. Under our Constitution treaties are the law of the land. So the law of this land of ours, so far as it is found in treaties, might be interpreted by this foreign court.

Some of these treaties reach into our nation's vital parts. A treaty or an understanding that involved immigration might be brought before the Court—perhaps by Japan. If we were to stand by our agreement, if we were not to flinch from our engagement, we should be obliged to respond. We then should be in the position of submitting to the Court a question that is the burning domestic issue in several sovereign American States.

What would the decision be? It would be given at best by a bench of eleven judges, ten foreign and one American. The ten foreign judges would represent nations that want free entrance into all the Americas. The viewpoint of these nations would be the viewpoint of their citizens on the bench of the International Court. The Court would decide against us. Should we then be entangled? Fatally entangled.

A treaty regarding the Panama Canal exists between the United States and Great Britain. We built the canal with our own money—hundreds of millions. Great Britain spent not a dollar. Under the treaty Great Britain claims that her merchant ships have the right to use the canal by paying the same tolls as American ships. We foot the bills; she enjoys the benefits. That is her contention. We dispute it. The controversy has not been settled. It might easily be our first case before the International Court.

Should we then be entangled? Before ten judges from countries who want the same rights as Great Britain in our canal, with only one American judge to oppose them, should we then be entangled? Fatally entangled.

Since Washington issued his majestic summons to his countrymen to protect themselves against foreign entanglements; since Jefferson, Adams and Monroe repeated the admonition; since Jackson, Grant and Cleveland sounded the same warning, there has not been a day or an hour when Europe's "primary interests" were not separate and aloof from the "primary interests" of the United States. As it was on the date of the Farewell Address, so it is today; and to submit treaties involving America's interests in any way to the decision of a foreign court—ten to one foreign and possibly ten to one European—is to flout the counsel of all the men who made this country great; to defy the principles that made this country independent; to imperil the heritage secured for us by American blood and death on a hundred battlefields, and to yield into foreign hands the decision on American rights, privileges and interests which our fathers and grandfathers would have perished rather than surrender.

Things that are the bone and blood and sinew of this nation it is proposed now to place in the hands of strange peoples and governments—at the mercy of interests that are foreign—yes, often hostile—to American interests. The

(Continued on page 250)

(Hon. Charles E. Hughes—cont'd from page 238)

Third. Is the Court established on a sound basis?

The Permanent Court of International Justice has been established under what is called a statute, or constitution, which defines its organization, jurisdiction and procedure.

The jurisdiction of the Court comprises all cases which the parties refer to it and all matters specially provided for in treaties and conventions in force.

The judges are elected for nine years and are eligible for re-election. The Court consists of fifteen members—eleven ordinary judges and four deputy judges.

The Hague project of 1907 for the establishment of a Permanent Court failed because it was found to be impossible to agree upon the method of selecting the judges.

This difficulty has been surmounted by providing that the two groups of powers in the council and assembly of the League shall act concurrently in the election of judges. The council is a small body of ten members and the great powers—Great Britain, France, Italy and Japan—are permanent members, the other members being non-permanent members. The assembly, on the other hand, embraces all the members of the League, fifty-two in number. The statute of the Court provides that in electing the judges each of these bodies shall proceed independently, and the successful candidate must have a majority of the votes in each. The result is that the great powers are able to vote in a small group, of which they are permanent members, while all the smaller powers can vote in the other group. In this way the great powers and the smaller powers have a check upon each other.

It should be noted that the council and assembly, in electing judges, do not act under the covenant of the League of Nations.

The election is held under the provisions of the statute of the Court which rests, as I have said, upon a special international agreement. For this purpose, the council and assembly are electoral bodies which are utilized because they are groups of states and through provision for their concurrent action the difficulty of finding a satisfactory basis of selection has been overcome.

It should be added that candidates for election are nominated by the national groups of arbitrators who are on the panel established by The Hague Convention. These national groups who thus have the privilege of nominating candidates for the Permanent Court of International Justice are selected by the governments, respectively, under The Hague convention.

The plan gives every assurance against a successful attempt by any *bloc* to manipulate or control the elections. Any such attempt in the assembly would meet with the greatest difficulty in view of its fifty-two members and their diverse interests, while any effort on the part of the council to elect a judge partial to particular interests would be wrecked in the assembly.

In considering the question of the relation of the Court to the League, it must be remembered that if there were no League you would still have to deal with the states composing the League.

The fundamental question is whether the League of Nations controls the Court. To this there is a ready answer. The League does not control the Court; that is an independent judicial body. The League is composed of states; they, of course, continue to exist as states. When the League acts, it acts under the covenant which creates the rights and obligations pertaining to the League. But when these fifty-two members act in separate groups to elect judges, they are not acting under the covenant, but are following a course of

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(Hon. John K. Shields—cont'd from page 239)

ferences of the premiers of the great powers without reference to the League or its consent and approval.

We constantly hear it asserted that the United States has been a hermit nation and has in the past and is now pursuing a policy of aloofness in the affairs of the world. Nothing could be farther from the facts than these assertions. We have always taken a prominent part in promoting peace, happiness, good will, commerce, and friendly relations between the nations of the world.

We have successfully negotiated and entered into some 35 treaties with different nations providing for arbitration and adjustment of controversies by peaceful methods instead of war, which are now in force.

We have frequently proffered our good offices, and the President of the United States has arbitrated controversies between other nations.

We have made treaties of commerce and amity with all civilized nations of the world, and our commerce now extends to all of the four corners of the earth.

The conferences held in Washington last summer, participated in by Great Britain, France, Italy, and Japan, and the treaties then made providing for the peaceful adjustment of threatened troubles in the Orient and the partial disarmament of nations, are among the greatest international events of history, and it is believed will contribute much toward preserving the peace of the world.

The United States and charitable organizations and individuals of this country have contributed in the last four years more than \$850,000,000 to relieve hunger, sickness, and other afflictions of European and Asiatic nations. There is not to be found in all history a manifestation of more splendid charity and interest in suffering humanity.

There are some who assert that we are responsible for economic conditions in Europe, but they fail to state what we should have done for those countries or what we can now do for them. Do they wish us to continue to send them the wealth of our country? We have already advanced them more than they will ever repay, and for which we are now burdening our people with taxation. They must show a desire to do something for themselves before asking sacrifices of others.

We have done all these things without violating the traditional policy of our country, so splendidly stated by Washington in his farewell address to the American people—that America should not intervene in the political affairs of Europe and that we should not become entangled in military alliances with them. We have at the same time followed the advice of Jefferson—"Peace, friendship, and commerce with all nations and entangling alliances with none."

I want the United States to continue its interest in world affairs. I want it now, with proper regard for the interest of our people, by economic conferences and arrangements with other nations, to do what it can to still the tempest that is raging in Europe, get those people to cease thinking of war, go back to work and production, and open their markets to our commerce as in former days. This will contribute not only to the cause of humanity but to the economic interest of both our people and the people of those countries.

If this country has changed its views and is in favor of abandoning our traditional policy and becoming a member of the League of Nations and participating in European troubles, then we should do so in a manly way. We should go in the front door, assuming all the obligations of the covenant, and not attempt to go in by the back door and in a manner misleading to the people, and wanting in the candor and courage which should always mark the action of the Government of the United States.—*Extracts from Speech in the Senate, March 3, 1923.*

Differing Views on World Court Proposal

Hon. Woodrow Wilson

I APPROVE not of the "conditional," but of the unconditional adhesion of the United States to the World Court set up under the auspices of the League of Nations, though I think it would be more consistent with the fame of the United States for candor and courage to become a member of the League of Nations and share with the other members the full responsibilities which its covenant involves.

Hon. William Jennings Bryan

I AM for Harding's proposal just as he proposes it. But I am for participation with a reservation to act independently in times of war. We cannot afford to put our Army and Navy at the command of any foreign nation or group of nations and allow them to abolish war for us.

Dr. James Brown Scott

Secretary, Carnegie Endowment for International Peace

THE Court is the agent of the League, and therefore is intimately connected with it. The United States have refused to become a party to the League. Can they become a party to the Court without entering the League? President Harding and Secretary of State Hughes believe that the United States can enter the Court without entering the League.

It would be a pity if some plan is not devised by which the United States can properly take part in this Permanent Court of International Justice, for which the Government and the people of the United States are responsible. The Court is an American ideal. Judicial settlement is an American shibboleth. The experience of the Supreme Court has shown the ideal to be practicable. Experience has likewise shown there is no limit to judicial settlement but the good will of the nations desiring to settle their disputes according to due process of law.

Hon. James M. Cox

Democratic Candidate for President in 1920

MEMBERSHIP of the United States in the International Court of Justice is the beginning of the end of American isolation. The work of conversion is over.

Samuel Gompers

President, American Federation of Labor

WITH the proposal for the United States to enter the International Court of Justice, I am in full accord. That is an initial step that will inevitably lead to participation in all efforts to maintain peace between nations.

General Federation of Women's Clubs

Resolution Adopted at Atlanta Convention, May, 1923

WHEREAS, the general Federation of Women's Clubs holds to the view that all wars should cease and that international friction should give way to international understanding, and indorses all practical measures and movements tending to that end, and for the hearing and adjudication by orderly judicial procedure of international controversies which are susceptible to settlement through judicial tribunals.

Therefore, be it resolved, That the General Federation of Women's Clubs indorses the working out of principles along the lines above proposed for the acceptance of nations.

Professor Edwin M. Borchard

Yale University Law School

IDEALISTS overlook the fact that there is no world will for peace. War is beating its steady path through Europe just as if the League of Nations did not exist.

If the larger nations are unwilling to submit to the World Court purely legal questions which would probably never lead to war, and if the Court has no way of obtaining jurisdiction of the really vital questions likely to cause trouble, how can any one say that joining the Court is a step toward peace?

Does any one suppose we would submit to a court composed largely of Europeans the international questions involved in Prohibition enforcement?

James F. Cullen

IN his recent defense of the World Court Mr. Root said: "No power can have more than one of its nationals in the Court . . . the self-governing dominions of the British empire cannot gain a member of the Court by their votes, because their citizens are all nationals of the British Empire and there can be only one national from that empire in the Court."

This statement is not borne out by the agreement establishing the Court. As a matter of fact, every one of the British colonies can have a judge in the Court. Article 10 of the Court agreement says: "In the event of more than one national of the same member of the League being elected . . . the eldest only of these shall be considered elected."

This is the only semblance of support in the agreement for Mr. Root's argument, and by no stretch of the imagination can Article 10 be made to mean what he seems to think it means. England, Canada and the other colonies are members of the League. Article 10 says "not more than one national of the SAME MEMBER." England and Canada, for instance, are not "the same member"; they are separate members of the League. The British Empire is not listed in the League as one member, but all the five colonies are listed as separate members, and each one has the same rights as any other member of the League.

If a judge is selected from England and another from Canada and a third from Australia, how can it be said the three judges are "national from the same member" when they are nationals from three separate members?

The International Court has eleven judges and if each of the British colonies, as well as England, got a judge into the Court—as they can do under the agreement—the British Empire would then have a majority in the Court and control its decisions.—*Extract from letter to the Washington Herald.*

Hon. James A. Reed

U. S. Senator from Missouri

AN international tribunal can be a Court in name only, as Americans conceive a temple of justice. None of the judges could consider in a disinterested manner any problem involving in the remotest way his own country, nor could the representatives of other countries forget the hatred of those lands for America in sitting on questions in which the United States is interested.

Which of you would be willing to be tried for your life by a Court on which America had only one man and the other countries had ten or eleven? Then which one of you would want to try for life the United States before a Court composed of representatives of foreign countries? I call it treason to talk about entering an International Court.

(Hon. Herbert Hoover—cont'd from page 239)

the running expenses of the court, a matter less than \$40,000 a year; and we promise to take part with 46 other nations in the choosing of the judges. We are not by this act entering the League in any sense. The connection of the Court with the League is indeed remote. The Court is already in existence. It is largely the handiwork of American thought and American hands. For us to insist upon its being torn down and re-erected just because it was created by a conference called by the League (in which Americans took part) is one of the most unseemly suggestions of national selfishness that can be conceived.—*Extracts from address before National League of Women Voters in Des Moines, April 11, 1923.*

(Hon. William L. Frierson—cont'd from page 243)
abide its judgment shall be accepted as an act of war against all the nations.—*Extracts from Address before the Maryland State Bar Association, Atlantic City, June 29, 1922.*

(Prof. Manley O. Hudson—cont'd from page 244)
Council, America has no voice, since we are not represented in either body.

Greater participation in the election of the judges would not follow unless it were expressly stipulated for. So that the formal act of accepting the treaty would not greatly change the present situation, except in enabling America to bear her share of the burden of maintaining the Court, and to use her influence to increase its strength and prestige.

It is clear that acceptance of the Court statute does not in any way involve membership in the League. The Court is a quite independent part of the League machinery, set up by a treaty wholly distinct from the League Covenant. The United States can become a signatory to this treaty without assuming any of the obligations of League membership, and without any commitment to cooperation with the League machinery as it functions under the Covenant.—*Extracts from the League of Nations Non-Partisan Association—Pamphlet Series No. 2.*

(Hon. Charles E. Hughes—cont'd from page 248)
procedure defined by a special international agreement in order to secure the independent and impartial judicial body for which the world has been waiting.

The Court recognizes that it may be called upon by the council or assembly of the League for advisory opinions. This is a practice similar to that which has obtained in most of the states of New England from colonial days.

The conclusion is that while the United States should have the right to participate in the election of judges if it is to support the Permanent Court, that Court is established on a sound basis. It is already functioning. The judges have been elected—a most distinguished American jurist being one of them—and they are as representative a body of independent and qualified jurists as could be chosen.

Fourth. Is there any good reason why the United States should not support the Permanent Court? This support has been proposed by the President upon four explicit conditions.

The acceptance of these conditions will establish that the support of the Court will not involve entry by the United States into the League of Nations; the participation of the United States in the election of judges; the bearing by the United States of its proper share of the expenses of the Court; and, finally, a safeguard against any change in the statute of the Court without the assent of the United States.—*Extracts from Address before the American Society of International Law, Washington, D. C., April 27, 1923.*

(Dr. David Jayne Hill—cont'd from page 242)

overlooked that the Covenant, which was at first called a "constitution," sets aside by its provisions whole sections of what was previously accepted as international law and assumes for the League of Nations as a corporate entity rights and prerogatives of intervention, proscription and punishment which were never before assumed by any organized international body.

What the Constitution of the United States is to the Supreme Court of the United States, that the Covenant and its provisions are to the Permanent Court of International Justice, which is not only its creation but a declared part of its machinery. The Court is not merely a judicial body, it is to the League an advisory body, and its mere opinion based on the prerogatives of the League become the law for all who recognize its decisions. So long, therefore, as the Court is in any manner the League's Court the law of the League will be the law of the Court and it would be safer to become a member of the League, where preventive action could be taken, than to accept by membership the decisions, opinions and decrees of the League's Court as constituting international law. The essential preliminary to the United States taking membership in the Court would seem to be detachment of the Court from the League and provision for the admission of other nations. This should not be difficult to accomplish.

(Hon. Hiram W. Johnson—cont'd from page 244)
rule of power, substituting the domination of justice under law for armed might, eliminating the causes of conflict and of war, are the pardonable phrases, the glittering generalities with which we illumine every reference to our international relations.

The so-called international court is a part of the League of Nations created by the League. Entering the Court, which some may believe to be of little consequence, is nevertheless the first false step. There is no illusion about what it means among the advocates of the League.

It has been a long and difficult fight to keep us from membership in the League of Nations. We fondly hoped it had been decided by the American people. Perhaps it must be fought again. If so, let's fight it in the open with full understanding and knowledge on the part of our people.

Do not permit our proud nation today timidly to enter one concealed portal, tomorrow surreptitiously to sneak in another, and while pretending we are going some other place, ultimately, when too late, when the last irrevocable step has been taken and we cannot extricate ourselves, find our country unknowingly a member of that which it has so emphatically repudiated.—*Extract from speech before Bronx Board of Trade, N. Y., March 8, 1923.*

(Washington Herald—cont'd from page 247)
only defense that can be offered for this needless sacrifice is that the judges would be absolutely just judges; the Court would be an absolutely impartial court. It is a false defense. An Englishman on the bench is an Englishman still; a Frenchman, a Frenchman. They do not rise above the level of the politicians in the League of Nations who name them. We may call them judges, but they remain Englishmen and Frenchmen just the same.

If we join the International Court, shall we be entangled? We shall be, fatally entangled—entangled in our safety; entangled in our independence; entangled in our sovereignty at home; entangled in our liberty of action abroad.

That is the towering fact on which the American people must fix their minds if in the present conflict the truth is to prevail and keep this nation free.—*Extracts.*

Recent Government Publications of General Interest

THE Government of the United States is the greatest of all modern publishers. It employs thousands of scientists, who are engaged the year round in making researches and investigations in all branches of agriculture and household economy, in geology, in mining, in electricity, in chemistry, in astronomy, in engineering, in aviation, in preventive medicine, in forestry, in irrigation, in shipping and railroad problems, in trade and manufactures. The results of all these activities are constantly reduced to print and poured out in an incessant flood from the Government Printing Office at Washington, the largest printing plant in the world. The greater number of these public documents are sold by the Superintendent of Documents. Price Lists of Government Publications descriptive of each available book or pamphlet are issued, and will be sent free on request by the Superintendent of Documents, Government Printing Office, Washington, D. C.

Aeronautics

BIBLIOGRAPHY OF AERONAUTICS, 1917-1919; by Paul Brockett. (National Advisory Committee for Aeronautics.) Price, 75 cents.
A bibliography of publications both Government and privately issued, relating to aeronautics, alphabetically arranged.

Agriculture

DRY-LAND PASTURE CROPS FOR HOGS AT HUNTLEY, MONT.; by A. E. Seaman. (Department of Agriculture Bulletin No. 1143.) Price, 5 cents.

Purpose and outline of the experiments, results from 1915 to 1921, study of the results with different crops, conclusions.

THE INFLUENCE OF COPPER SPRAYS ON THE YIELD AND COMPOSITION OF IRISH POTATO TUBERS; by F. C. Cook. (Department of Agriculture Bulletin No. 1146.) Price 5 cents.

Data collected from stations doing experimental work with copper sprays.

SELF-FERTILIZATION AND CROSS-FERTILIZATION IN PIMA COTTON; by Thomas H. Kearney. (Department of Agriculture Bulletin No. 1134.) Price, 10 cents.

Structure of the flower in relation to pollination, pollen-carrying insects at Sacaton, the inferior fertilization of bagged flowers, inbreeding in relation to fertility, and literature cited.

Aluminum Chloride

ANHYDROUS ALUMINUM CHLORIDE; by Oliver C. Ralston. (Bureau of Mines Technical Paper No. 321.) Price, 5 cents.

Methods of producing anhydrous aluminum chloride, chlorine gas, cost of raw material, with illustrations.

Ammonia

COMPOSITION, PURIFICATION, AND CERTAIN CONSTANTS OF AMMONIA; by E. C. McKelvy and C. S. Taylor. (Bureau of Standards Scientific Paper No. 465.) Price, 10 cents.

Work on the composition and testing of commercial liquid ammonia, preparation of pure ammonia for the determination of its thermodynamical properties, miscellaneous physical constants of ammonia, with summary.

TABLES OF THERMODYNAMIC PROPERTIES OF AMMONIA. (Bureau of Standards Circular No. 142.) Price, 15 cents.

Fundamental units and constants, experimental data, notation, description of the mollier chart, with tables.

Australia

AUSTRALIA, A COMMERCIAL AND INDUSTRIAL HANDBOOK; by A. W. Ferrin. (Special Agents Series No. 216.) Price, 75 cents.

General description, relations of England and Australia, geography, climate, irrigation schemes, historical development, economic and social conditions, etc., with bibliography and illustrations.

Banking

ANNUAL REPORT OF THE COMPTROLLER OF THE CURRENCY, to the Third Session of the Sixty-seventh Congress of the United States, December 4, 1922. Price, 75 cents.

Legislation enacted and recommended relating to national banks, national bank charters, national bank examiners, with numerous other articles relating to national banks.

Chronograph

A RECORDING CHRONOGRAPH FOR THE INVERSE RATE METHOD OF THERMAL ANALYSIS; by H. J. French. (Bureau of Standards Technologic Paper No. 230.) Price, 5 cents.

Description of the direct plotting chronograph, typical curves obtained, discussion of constructional features of the instrument.

Cicada

THE PERIODICAL CICADA; by C. L. Marlatt, M. S. (Bureau of Entomology Bulletin No. 71, reprint.) Price, 40 cents.

The races, broods, and varieties of the Cicada, the distribution of the periodical Cicada, the Cicada as an article of food, the natural enemies of the Cicada, bibliography of the periodical Cicada, with appendix and index.

Chrysanthemums

INSECT ENEMIES OF CHRYSANTHEMUMS; by Charles A. Weigel. (Farmers Bulletin No. 1306.) Price, 5 cents.

Destructive chrysanthemum insects, common greenhouse red spider, aphids, thrips, cutworms, scale insects, preparation of insecticides, method of applying insecticides, etc.

Concrete Beams

TESTS OF HEAVILY REINFORCED CONCRETE BEAMS: Effect of Direction of Reinforcement of Strength and Deformation; by Willis A. Slater and Fred B. Greeley. (Bureau of Standards Technologic Paper No. 233.) Price, 15 cents.

Test specimens, materials, and methods of testing, experimental data and discussion of results, with summary and appendix.

Dairy Products

MAKING BUTTER ON THE FARM. (Department of Agriculture Bulletin No. 876.)

Quality and preparation of cream, packing for market and storage, necessary equipment, and plans for dairy house are discussed.

CLEANING MILKING MACHINES; by L. H. Burgwald. Farmers Bulletin No. 1315.)

Food Products

FARM SLAUGHTERING AND USE OF LAMB AND MUTTON; by C. G. Potts. (Farmers Bulletin No. 1172, reprint.) Price, 5 cents.

Use of mutton in the diet, slaughtering and dressing sheep, care of the carcass, home curing of mutton, recipes for cooking mutton and lamb.

Forestry

NATURAL REPRODUCTION OF WESTERN YELLOW PINE IN THE SOUTHWEST; by G. A. Pearson. (Department of Agriculture Bulletin No. 1105.) Price, 30 cents.

Review of previous investigations, seed supply, climate, soil, cutting, grazing, with summary.

TREE PLANTING IN THE GREAT PLAINS REGION; by Fred R. Johnson and F. E. Cobb. (Farmers Bulletin No. 1312.) Price, 5 cents.

Objects of planting the Great Plains, species recommended, tree descriptions, location of the plantation, source of planting stock, preparation of soil.

Gas Masks

THE UNIVERSAL AND THE FIREMAN'S GAS MASKS; by S. H. Katz and others. (Bureau of Mines Technical Paper 300.) Price, 5 cents.

Description of gas masks, tests of the masks, limitations of universal gas masks, summary and conclusions, with appendix.

Irrigation

USE OF WATER BY SPRING WHEAT ON THE GREAT PLAINS; by John S. Cole and others. (Department of Agriculture Bulletin No. 1004.) Price, 10 cents.

Statement of the problem, source, character and method of study of the data, quantity of water used during the growing season, general discussion of the results, and conclusions.

Japanese Beetle

FEEDING HABITS OF THE JAPANESE BEETLE WHICH INFLUENCE ITS CONTROL; by Loren B. Smith. (Department of Agriculture Bulletin No. 1154.) Price, 5 cents.

Difficulty of controlling the Japanese beetle, the process of infestation, rate at which the beetles feed, with summary.

National Gallery of Art

CATALOGUE OF COLLECTIONS; by William H. Holmes. (Smithsonian Institution the National Gallery of Art.) Price, \$1.00.

List of illustrations, alphabetical list of permanent accession with page reference to catalogue, alphabetical list of artists with page reference to catalogue, list of loans, etc.

Oil Shale

OIL SHALE OF THE ROCKY MOUNTAIN REGION; by Dean E. Winchester. (Geological Survey Bulletin No. 729.) Price, 35 cents.

Notes on Foreign Governments

By ANNIE M. HANNAY, M. A., University of Glasgow

These notes will be continued from month to month and when the Foreign Parliaments are in session a review of current legislation in the largest countries will be given.

Additional detailed information in regard to foreign governments may be procured through the CONGRESSIONAL DIGEST Information Service for a nominal charge.

Questions and answers will be published from time to time in this Department. Address your inquiries to: Foreign Department, CONGRESSIONAL DIGEST, Munsey Bldg., Washington, D. C.—*Editor's Note.*

Germany

Notes on the form of Government of Germany were printed in the November number

Digest of Official Report

SPEECH BY CHANCELLOR CUNO ON THE INVASION OF THE RUHR

SPEAKING in the Reichstag on March 6, Chancellor Cuno drew a lurid picture of the outrages committed by the French, not only on resisting officials, but on innocent and helpless old men, women and children in the Ruhr valley and the valley of the Rhine.

When France invaded free German territory on January eleventh her government stated that it was sending a Control Commission, consisting of engineers, to take necessary measures for the payment of reparations. It had in view no military or political action whatever. There would be no interference with the normal life of the people.

As a matter of fact, Herr Cuno continued, France sent five army divisions, approximately 75 tanks, hundreds of aeroplanes and white and colored troops. Force was used to make officials and private people carry out her orders. Approximately 71 officials of the German Transportation Service, 55 members of the Postal Administration and 279 members of the Financial Administration had been deported to date, as well as 1000 Prussian civil servants and municipal clerks and about 700 policemen. Pillaging, murder and brutal treatment of innocent people were among the crimes laid to the door of France by Herr Cuno.

And France had not gained her end. Germany was to have delivered during 1922 about 14½ million tons of coal. After strenuous efforts she had succeeded in delivering most of it. France was to receive 46,500 tons a day. But instead of the 2,100,000 tons of coal which were to have been delivered between January 11 and March 5, she had only received in all 74,000 tons.

Germany was to deliver to France 166,000 cubic metres of wood during 1922. France received 92,000, the remainder having been promised before March 31, 1923. As a result of the Ruhr invasion nothing more had been delivered. The French engineers had not even earned their salary.

Not only was France gaining nothing. She was losing. Out of the 100 blast furnaces of Lorraine only 20 were in operation. The price of coke in France had doubled since January. The value of the franc had decreased. France would shortly have to appeal for money to the French taxpayer and the French investor who would not have started the Ruhr invasion had they been consulted.

The result of the invasion had been to make the entire population in the Ruhr and the Rhine districts more united than ever in their determination to continue their resistance. Should France import foreign labor, it would be unproductive. Germany would oppose passive resistance to force and injustice, a resistance rooted in loyalty to the fatherland. The Rhineland obeyed the orders of the Rhineland Commission as long as they were compatible with the Treaty of Versailles. But, when France and Belgium began to dictate at will, Ruhr and Rhine united in opposition.

Herr Cuno then made an appeal, in the name of loyalty and patriotism, for the support of the people of the invaded regions. The existence of the German Republic was at stake. No German government had refused on principle the payment of reparations in accordance with the Treaty of Versailles. Every German government had done its best to fulfill the demands to the utmost extent. Between November 11, 1918, and September 30, 1922, there had been surrendered national and state property to the value of 5,600,000,000 gold marks; the Saar mines represented 1,000,000,000 gold marks; military effects had been left behind at the front to the value of 4,200,000,000 gold marks; ships had been given up to the value of 6,000,000,000 gold marks, coal and coke to the value of 2,300,000,000 gold marks, and German property abroad to the value of 11,700,000,000 gold marks.

Counting Germany's claims against her former allies and the loss of machinery used in war industries, Germany had lost up to September 30, 1922, the amount of 56,500,000,000 gold marks, or at the present rate of exchange 285,000,000,000 paper marks. The German national wealth had been reduced by one-half by the war and its consequences.

Germany had made certain proposals in London and Paris which were backed and guaranteed by German industry. But no attention had been paid to them. The reason was now evident. The invasion of the Ruhr valley had already been determined upon. Germany honestly desired to pay reparations and genuinely intended to gain her freedom by working for it. But France had decided on the destruction of Germany. Should she succeed, she would bring disaster on the whole of Europe.

Great Britain

Notes on the form of Government of Great Britain were printed in the November number

Parliamentary Debates

Digest of Official Report

House of Commons

March 5.—Second reading of Unemployment Insurance bill.

SECURITY AND REPARATIONS

March 6.—Mr. Ramsay MacDonald moved: "That this House, believing that the peoples of Europe wish to maintain

peace and to pursue a policy which will secure it, agrees to invite in the first instance the Chambers of France and Belgium each to appoint a representative committee from all political sections, in order to exchange information and views with a similar committee appointed by this House regarding the occupation of the Ruhr in relation to the problems of security and reparations."

Great Britain—cont'd

Mr. Macdonald was convinced that, until public opinion was influenced in France, Germany, Belgium and Great Britain, government interference as to security and reparations was going to be of very doubtful benefit. No member of the House could say that affairs were improving. Germany was less able to carry out her obligations than she was six weeks ago. France was pursuing something elusive, and was finding the end of her journey more and more problematical. In the meantime she had to pay heavily for her adventure. France was rewriting the Treaty of Versailles without any consultation with her late allies. A new series of chapters in history was being written which might culminate in war unless the situation were carefully handled. The military and the political balance of Europe were changing, and for the moment Britain was rather out of it. And yet Britain was in a position to give a moral lead to Europe, if only she would take up a position and stand by it through a few months, probably of misunderstanding.

The two things that might wreck Europe were France's fear that she was not secure, and an attempt to run after reparations that in actual economic fact must be mere will-o'-the-wisps. France's security might be referred to the League of Nations. As to reparations, the important thing was an international loan and a definite settlement regarding the amount of Germany's responsibilities.

The Prime Minister (Mr. Bonar Law) said that the Government had no policy to suggest to the House. The French Government was firmly supported by both Chambers and by the French people. He did not believe that intervention now would be of any use. It would be regarded as hostile by France, and the Government was not prepared for that. The debate was adjourned.

UNEMPLOYMENT

March 8.—When the House went into Committee of Supply and it was proposed to vote the sum of 126,600,000 pounds for Civil Service expenses and Revenue Departments for 1923-24, Mr. Stephen Walsh moved a reduction of one hundred pounds in order to raise the question of unemployment. The provision made by the Minister of Labor, he said, was utterly inadequate to deal with a desperate situation. The schemes sanctioned by the Unemployment Grants Committee would, at the very most, give employment to one in ten, which would barely touch the fringe of the great problem of unemployment.

Sir Montague Barlow (Minister of Labor) said that the Government's scheme was rather a large one. With regard to Lord St. David's committee, 1728 schemes had been approved and loans to local authorities had been sanctioned to the amount of 17,500,000 pounds. That was before the new program was launched in November. Since then to the end of February, 1532 additional schemes had been approved, with 900,000,000 pounds in loans, making a total since 1921 of 26,750,000 pounds, out of a possible 30,000,000 pounds.

As to the Ministry of Transport, the figures in the November program involved 5,300,000 pounds. On February 15 he had announced an extension of 5,600,000 pounds, making roughly, about 11,000,000 pounds in all.

In connection with the Empire Settlement Act 3,000,000 pounds had been voted, to be expended pound for pound between the Dominions and the mother country. Agreements had been made with Australia, New Zealand and Ontario, and progress had been made in selecting those who would take advantage of these schemes.

Work was being carried on in drainage, afforestation and the construction of light railways, and progress had been made in the training of women as domestic servants.

March 9.—According to a return made by Mr. Baldwin, the total British casualties during the war were 946,023 killed and 2,121,906 wounded out of a total of 9,496,370 men enrolled in all branches of the service.

WAR LOANS TO ALLIES AND DOMINIONS (EXCLUDING RELIEF AND OTHER POST-WAR LOANS)

	Capital only Pounds	Capital and unpaid interest to March 31, 1922 Pounds
To France	453,000,000	584,000,000
Italy	382,000,000	503,000,000
Other Allies	659,000,000	841,000,000
Dominions	150,000,000	150,000,000
Total	1,644,000,000	2,078,000,000

LOSSES AT SEA (BRITISH EMPIRE)

Value of shipping and cargoes lost by enemy action..... 750,000,000
Civilian lives lost at sea by enemy action, 22,000.

Viscountess Astor moved the second reading of the Intoxicating Liquor (sale to persons under eighteen) bill, to protect the moral and mental development of adolescents and to remove boys and girls from the environment of the saloon. The bill was read a second time.

NAVY ESTIMATES, 1923-24

March 12.—In presenting the Navy Estimates for 1923-24 the First Lord of the Admiralty, Mr. Amery, said that the gross estimates were over 8,000,000 pounds less and the net estimates nearly 7,000,000 pounds less than those for the current year. But, to bring out the significance of the policy of reduction carried out in accordance with the Washington Treaty, it was necessary to compare the present estimates with those of the preceding year. In barely 12 months the gross Navy Estimates had been reduced from 92,000,000 pounds to under 61,500,000 pounds and the net estimates from 83,444,000 pounds to 58,000,000 pounds, a reduction of nearly 25,000,000. The personnel of the fleet had been reduced by nearly 20,000 officers and men, and the personnel of the dockyards by 10,000 men. Seventeen comparatively modern capital ships had been made useless for fighting purposes. Every reserve of ammunition, of fuel, of stores had been cut down to the very minimum compatible with safety. These economies had been carried out in anticipation of the treaty and in advance of action by any of the co-signatory powers.

COMPARISON BETWEEN THE POST-WASHINGTON FLEETS OF THE BRITISH EMPIRE AND OF THE UNITED STATES

For ships actually in full commission the figures were:

	Great Britain	United States
Capital ships	15	18
Cruisers	37	10
Destroyers and flotilla leaders.....	65	109
Submarines	39	73

The estimates provided for a personnel of 99,000. The corresponding figure for the U. S. Navy was 116,400, including 5,000 officers and men doing naval air work, as against 1,140 borne provisionally on the British estimates.

The American Navy Estimates for the coming year amounted to nearly 320,000,000 dollars, while the British corresponding estimates were 58,600,000 pounds.

SIR JOHN SIMON ON THE RUHR QUESTION

March 13.—Sir John Simon moved a reduction of 100 pounds in the Foreign Office vote in order to call attention to the Ruhr. He asked whether passive acquiescence was still to be the keynote of the British policy and called atten-

Great Britain—cont'd

tion to three recent events having a most important bearing on the question.

The British army of occupation, instead of continuing to hold its own sector of the occupied area, was now completely surrounded, and had no contact with unoccupied Germany at all.

As a result of this complete encirclement of the British area at Cologne, British trading interests were being most seriously prejudiced.

Thirdly, there were indications that the period of passive resistance on the part of Germany in face of the invasion of the Ruhr might be coming to an end. There was a report of a savage outbreak involving the deaths of French soldiers and of German civilians.

By the nature of their advance the French had been guilty of a breach of the Treaty of Versailles which provided that, in case of German default, measures were to be taken by the Allied and Associated Powers. The policy of the Government not to do anything that would offend France could not now be continued except at the risk of international danger.

Mr. R. McNeill (Under Secretary for Foreign Affairs) said that the Government recognized that the situation was very serious. But to bring in the League of Nations as a round-about form of intervention would be of no avail, considering the present temper of France, and, in lesser degree, of Belgium and Italy. The Government was still anxious to avoid a break with France, and, therefore, its position was exactly the same as when the Prime Minister spoke on the subject a few days ago.

The amendment was rejected.

AIR ESTIMATES, 1923-24

March 14.—Sir Samuel Hoare, in introducing the Air Estimates, said that the past year had been one of steady progress in building up a permanent air force. He quoted French figures, because France of all the great powers had most fully developed her air force.

In November, 1918, the Royal Air Force was composed of 30,122 officers, 263,410 airmen and 3,300 service aeroplanes. Today's figures were 3,071 officers, 27,499 men and 371 first line aeroplanes. A comparison with the French personnel would be misleading, as a large part of the latter is provided from purely military personnel.

In November, 1918, the French had 3,600 service machines, today she had 1260.

Two-thirds of the British machines were overseas, while three-quarters of the French machines were at home.

In 1925 France would have, according to her present program, 2,180 service machines, while Britain would only have 575.

In 1922, 200 machines were built in Great Britain, 3,300 in France. The Government hoped to build up an Air Force reserve with a strength of 900 officers and from 7000 to 8000 men, and in two or three years 1000 officers and 12,000 men.

ARMY ESTIMATES, 1923-24

March 15.—Colonel the Hon. Walter Guinness (Under Secretary for War), in presenting the Army Estimates, said that the War Office had had great difficulty in fixing them owing to the fact that large forces were still serving abroad. The estimates had been reduced this year by over 10,000,000 pounds, from 62,000,000 pounds to 52,000,000 pounds. The personnel had been cut down by 55,000 men.

SNOWDEN PROPOSES NEW SOCIAL ORDER

March 20.—Mr. Philip Snowden (Lab.), moved: "That, in view of the failure of the capitalist system to adequately

utilize and organize the natural resources and productive power, or to provide the necessary standard of life for vast numbers of the population, and believing that the cause of this failure lies in the private ownership and control of the means of production and distribution, this House declares that legislative effort should be directed to the gradual suppression of the capitalist system by an industrial and social order based on the public ownership and democratic control of the instruments of production and distribution."

Sir P. Lloyd-Greame (President of the Board of Trade), said that the motion was impossible on two grounds, economic and psychological. State control was unimaginative and inelastic, and absolutely checked all initiative. Socialism might be an effective way to make rich men poor, but it was a singularly ineffective way to make poor men rich. The Government would oppose it whenever and wherever it might be put forward.

EFFECT ON BRITISH TRADE OF THE RUHR OCCUPATION

March 28.—On the motion for the third reading of the Consolidated Fund bill, Sir Edward Grigg (Liberal) raised the question of Anglo-French relations in regard to the occupation of the Ruhr. He emphasized the damage being done to British trade, and hoped that the Government would take steps to obtain better treatment for the British exports from her French and Belgian allies.

In the last two months an entirely new phase of French policy had emerged. Neither reparations nor security now held the center of the stage. France was pursuing a policy of a dangerous and volcanic nature which meant the alienation of Germans and German territory from Germany. It was contrary to the Treaty of Versailles, and would lead to future wars.

Mr. Asquith called attention to a remarkable statement recently made in the Reichstag by the German Foreign Minister, Dr. Rosenberg. Dr. Rosenberg said that the position of the German Government on reparations was that an international committee of business men should determine as soon as possible three points: the extent to which Germany had already fulfilled her obligations; her ability to meet them in future; the manner in which they could be met. If this step were taken, the German Government would be prepared to sound the international money market with a view to obtaining the highest possible loan and to provide the necessary security. Mr. Asquith asked if those views had been laid before the Government, and whether the Government had taken any steps to consult the powers concerned. Provisions had been made by the Treaty of Versailles for the demilitarization of the Rhineland. France, therefore, under the terms of the treaty, had received very adequate security against the possibility of future danger from Germany. Why then did France continue in the Ruhr? The policy of France would mean the creation for an indefinite time of a new Alsace-Lorraine situation.

Mr. Ramsay MacDonald said that France had made it impossible for Germany to pay reparations. The action of the German workmen was spontaneous, and came from the will and determination of the people. He wanted to know why the Government did not speak. Silence helped neither side. The British Government should have defined its policy at the beginning instead of adopting a policy of neutrality and drift. Belgium's point of view was changing. She was becoming more united against the economic policy adopted by France in the Ruhr, and would be only too glad of an opportunity for reconsidering the whole matter. The same feeling was manifest in Italy. The Government ought to ask France quite definitely in a friendly way what her policy was.

Great Britain—*cont'd*

Mr. Baldwin replied for the Government. He said that the root difficulty of the matter lay in the fact that there had existed during the last two months a profound and genuine difference of opinion between Britain and her Allies as to the policy that had been adopted. The French had shown themselves very unwilling to accept intervention of any kind, and that attitude on their part and on the part of their allies had prevented ordinary methods of approach which might lead to a settlement. He compared the present situation in Europe to the position of Britain at the beginning of a strike,

when premature interference would lead to disaster. The Government was in close touch with the situation both in regard to the Allies and to Germany, and would take steps at the right moment when by any form of suggestion intervention might bring nearer the peace of Europe. The Government had preserved the confidence, trust and friendship of the Allies, and he believed that it would be accepted by Germany as an honest negotiator when the time came.

March 29.—Debates on education and Russia.

House adjourned until April 9.

Italy

Notes on the form of Government of Italy were printed in the November number

SPEECH BY MUSSOLINI ON THE RUHR AND THE NEAR EAST

AT a cabinet meeting on March 2 Signor Mussolini said that the war being waged in the Ruhr valley was one of exhaustion. The two opponents were consolidating their respective positions of passive resistance on the part of Germany and active pressure on the part of France and Belgium. A change in the situation could only be brought about by a demand on the part of one or the other adversary for mediation, by a modification of France's policy which had hitherto been limited to the question of payment of reparations, or by the strengthening of British opposition to the French policy, which might lead to the withdrawal of British troops from the Rhine.

Italy was anxious to do everything possible to help to re-establish a normal condition of affairs. It was the desire of the Italian Government to maintain with France relations of cordial friendship. In this the recent commercial agreement had helped. But between that and a regular treaty alliance there was a great difference. The Fascist Government intended, as far as possible, to follow an autonomous policy in foreign affairs. It would make no alliances which

did not properly guarantee Italian interests and secure guarantees of peace and prosperity for Italy in particular and for Europe in general.

THE ORIENTAL PROBLEM

No definite news had been received regarding the intentions of the Angora Government. Meanwhile an active diplomatic correspondence was being carried on between the governments of Rome, London and Paris to establish the course to be followed by the three powers on certain important questions, such as the capitulations and economic points. Should the Turkish reply be such as to form a basis for serious discussion, the British Government would only permit debate on three points: the formula to be established for Greek and Turkish reparations; judicial guarantees for foreigners; the economic clauses. The Italian Government was convinced of the necessity of concluding peace, especially in view of the possible dangers arising out of the situation in the Orient, and was of the opinion that, with the exception of the three points mentioned, any reasonable suggestion from the Turks should be examined without preconceived bias.

Arbitration Conventions and Treaties to which the United States is now a Party

MULTILATERAL† CONVENTIONS.

Convention for the Pacific Settlement of International Disputes, signed at The Hague July 29, 1899.

Convention for the Pacific Settlement of International Disputes, signed at The Hague October 18, 1907.

Convention for the Limitation of Force for the Recovery of Contract Debts, signed at The Hague October 18, 1907.

Convention for the Arbitration of Pecuniary Claims, signed at Buenos Aires August 11, 1910.

This convention was signed during the meeting of the fourth Pan-American Conference by the United States, Mexico and the countries of South and Central America, including Cuba, Dominican Republic and Haiti.

BILATERAL‡ CONVENTIONS.

The following conventions provide for the arbitration of differences of a legal nature or relating to the interpretation of treaties. Excluded from their operation are certain classes of questions usually described as "affecting the vital interests, the independence, or the honor of the two contracting states or the interests of third parties":

† Multilateral: involving three or more countries.

‡ Bilateral: involving two countries.

Spain, signed Apr. 20, 1908	Netherlands, May 2, 1908
Great Britain, Apr. 4, 1908	Peru, Dec. 5, 1908
Norway, Apr. 4, 1908	Haiti, Jan. 7, 1909
Japan, May 5, 1908	Uruguay, Jan. 9, 1909
Portugal, Apr. 6, 1908	Ecuador, Jan. 7, 1909
Italy, Mar. 28, 1908	Brazil, Jan. 23, 1909

TREATIES FOR THE ADVANCEMENT OF PEACE.

(These are the so-called Bryan Treaties. Sometimes referred to as "the cooling-off" Treaties.)

The United States is also a party to a number of bilateral treaties commonly called Advancement of Peace Treaties. By the provisions of these treaties each High Contracting Party binds itself to adopt a prescribed procedure for the investigation and conciliation of disputes before resorting to the use of force. These treaties have been concluded with the countries and on the dates shown below:

Bolivia, Jan. 22, 1914	Italy, May 5, 1914
Brazil, July 24, 1914	Norway, June 24, 1914
Chile, July 24, 1914	Paraguay, Aug. 29, 1914
China, Sept. 15, 1914	Peru, July 14, 1914
Costa Rica, Feb. 13, 1914	Portugal, Feb. 4, 1914
Denmark, Apr. 17, 1914	Russia, Oct. 1, 1914
Ecuador, Oct. 13, 1914	Spain, Sept. 15, 1914
France, Sept. 15, 1914	Sweden, Oct. 13, 1914
Great Britain, Sept. 15, 1914	Uruguay, July 20, 1914
Guatemala, Sept. 20, 1913	Venezuela, Mar. 21, 1914
Honduras, Nov. 3, 1913	

Notes on the Constitution

By HON. WM. TYLER PAGE

Editor's Note:—The sixth installment "What the States May Do; which is expressly forbidden the Nation," will appear in June.

—NEXT MONTH—

THE SUPREME COURT OF THE UNITED STATES

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